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**NON - CIRCULATING**



THE  
PARLIAMENTARY  
REGISTER;  
OR,  
AN IMPARTIAL  
REPORT OF THE DEBATES  
THAT HAVE OCCURRED  
IN THE TWO HOUSES  
OF  
PARLIAMENT,  
IN THE COURSE OF  
The Fifth Session of the Fourth Parliament of the United  
Kingdom of Great Britain and Ireland.

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VOL. II.

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LONDON:  
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THE  
PARLIAMENTARY REGISTER,

DURING THE FIFTH SESSION OF THE FOURTH PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

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HOUSE OF LORDS.

TUESDAY, FEBRUARY 12.

**A** MESSAGE was sent to the Commons, desiring their attendance in the House of Lords. The Speaker, and a number of the Members, attended at the bar of the Lords, when the Lord Chancellor stated, that a Commission had issued from his royal highness the Prince Regent of the United Kingdom in the name of his Majesty, which his Lordship desired the clerk to read.

The clerk accordingly read the Prince Regent's Commission.

SPEECH OF THE PRINCE REGENT.

The Lords Commissioners (the Archbishop of Canterbury, the Lord Chancellor, the Duke of Montrose, Earl Camden, and the Earl of Westmoreland) being seated on the woolsack, the Lord Chancellor read the following most gracious speech:—

MY LORDS AND GENTLEMEN,

In execution of the Commission which has now been read to you, we are commanded by his royal highness the Prince Regent to express, in the strongest manner, how deeply he laments, not only in common with all his Majesty's loyal subjects, but with a personal and filial affliction, the great national calamity which has been the occasion of im-

posing upon his Royal Highness the duty of exercising, in his Majesty's name, the Royal authority of this kingdom.

In conveying to you the sense which his Royal Highness entertains of the great difficulties attending the important trust which is reposed in him, his Royal Highness commands us to assure you, that he looks with the most perfect confidence to the wisdom and zeal of Parliament, and to the attachment of a loyal and affectionate people, for the most effectual assistance and support; and his Royal Highness will, on his part, exert his utmost endeavours to direct the powers with which he is invested, to the advancement of the prosperity, welfare, and security of his Majesty's dominions.

We are directed to inform you, that his Royal Highness has great satisfaction in being enabled to state, that fresh opportunities have been afforded, during the late campaign, for distinguishing the valour and skill of his Majesty's forces both by sea and land.

The capture of the Islands of Bourbon and of Amboyna have still further reduced the Colonial dependencies of the enemy.

The attack upon the Island of Sicily, which was announced to the world with a presumptuous anticipation of success, has been repulsed by the persevering exertions and valour of his Majesty's land and sea forces.

The judicious arrangement adopted by the officers commanding on that station, derived material support from the zeal and ardour which were manifested during this contest by the inhabitants of Sicily, and from the co-operation of the naval means which were directed by his Sicilian Majesty to this object.

In Portugal, and at Cadiz, the defence of which constituted the principal object of his Majesty's exertions in the last campaign, the designs of the enemy have been hitherto frustrated. The consummate skill, prudence, and perseve-

rance of Lieutenant-General Lord Viscount Wellington, and the discipline and determined bravery of the officers and men under his command, have been conspicuously displayed throughout the whole of the campaign. The effect of those distinguished qualities, in inspiring confidence and energy into the troops of his Majesty's allies, has been happily evinced by their general good conduct, and particularly by the brilliant part which they bore in the repulse of the enemy at Buzaco. And his Royal Highness commands us further to state, that he trusts you will enable him to continue the most effectual assistance to the brave nations of the Peninsula, in the support of a contest which they manifest a determination to maintain with unabated perseverance; and his Royal Highness is persuaded, that you will feel, that the best interests of the British Empire must be deeply affected in the issue of this contest, on which the liberties and independence of the Spanish and Portuguese nations entirely depend.

We have it likewise in command to acquaint you, that discussions are now depending between this Country and the United States of America; and that it is the earnest wish of his Royal Highness that he may find himself enabled to bring these discussions to an amicable termination, consistent with the honour of his Majesty's Crown, and the maritime rights and interests of the United Kingdom.

GENTLEMEN OF THE HOUSE OF COMMONS,

We are directed to acquaint you, that his royal highness the Prince Regent has given his commands that the estimates for the expenditure of the current year should be laid before you; and his Royal Highness has great satisfaction in acquainting you, that although the difficulties under which the commerce of this kingdom has laboured, have in some degree affected a part of his Majesty's revenue, particularly in Ireland, yet that the revenue of Great Britain in the

last year, though unaided by any new taxation, is greater than ever was known in any preceding year. And his Royal Highness trusts to your zeal and liberality to afford his Majesty adequate supplies for the support of the great contest in which he is necessarily engaged.

MY LORDS AND GENTLEMEN,

We are commanded by his Royal Highness to declare to you, that it is the most anxious wish of his heart, that he may be enabled to restore unimpaired into the hands of his Majesty the government of his Kingdom; and that his Royal Highness earnestly prays that the Almighty may be pleased in his mercy to accelerate the termination of a calamity so deeply lamented by the whole nation, and so peculiarly afflicting to his Royal Highness himself.

After a short interval, during which the Lords who were robed retired and unrobed, the Lord Chancellor resumed the woolsack, and again read his Royal Highness's speech to the House.

*The Earl of Aberdeen* then rose to move an address to his royal highness the Prince Regent, in consequence of the gracious speech which had just been delivered by the Commissioners to their Lordships. He conceived that, on the present occasion, he need not be apprehensive of the want of unanimity among their Lordships in the address he was about to submit. It might not, therefore, be necessary for him to take up their Lordships' time; yet there were some points on which he felt it to be his duty to offer a few observations. Every noble Lord must unite in sentiments of heartfelt regret at the occurrence of the present calamity, and in the ardent and sincere hope of the speedy restoration of the health of his Majesty, and his consequent resumption of his royal functions. He had no doubt, also, that every noble Lord viewed with the greatest satisfaction the wisdom, the judgment, and the moderation which had been displayed by his Royal Highness throughout the whole of this important transaction. Every one must approve the principles on which he had acted in this unfortunate emergency; and the merits of his conduct, in the sacrifices he had thought proper to make, contrary to his known opinions and feelings, could not fail to be duly appreciated by that

House, and by the whole nation. (*Hear, hear!*) Fortunately for the affairs of the country, the hopes of the restoration of his Majesty's health were at present high, and were improving from day to day. Should the recovery of his Majesty be yet unhappily retarded; should Providence still be deaf to the wishes and the prayers of the people, and of the Prince; should it prove unlikely that the King could soon resume the exercise of his Royal authority, (how that authority had hitherto been exercised, the experienced blessings of a reign of more than fifty years could be appealed to, and could best evince!) then there would be a great consolation to their Lordships and to the nation, arising from the reflection, that there was a successor to his Majesty, who had most sincerely at heart the public good, who placed the general benefit above his own personal wishes and feelings, (*Hear, hear!*) and who regulated his public conduct upon principles that must ensure universal public approbation and respect. On such a gratifying topic he might easily expatiate; as it afforded him an ample field of panegyric; but he felt that such an attempt was rendered totally superfluous by the opinions and feeling entertained by all. Here, his Lordship said, he might come to an end; but that it was the general practice on such occasions to take some view of our situation, as shewn in the various topics mentioned in the speech. The most prominent of its leading features was that which related to the affairs of the Peninsula. With regard to the state of affairs in Spain, he admitted that the appearance of matters was obsequered; but there were, notwithstanding, in that country, many circumstances that kept alive hope. The high and gallant spirit of the Spanish nation still existed; the determined hatred they bore to their invaders continued in undiminished vigour; the ardent desire of maintaining their liberty remained in unabated force. The sacred flame of liberty and independence had been, it was true, partially obscured, but it still continued to burn; and he hoped and believed, it was never to be extinguished by the oppressions of the enemy. Notwithstanding all the exertions of that enemy, his attempts had hitherto proved unsuccessful against the city of Cadiz, which, as well as that of Ceuta, was garrisoned by a British force. In this respect, then, there were considerable grounds of satisfaction. With regard to Portugal, the character of the war in that country was of a much greater magnitude, and of a much stronger complexion. It gave us great reason for

congratulating ourselves on the events that had passed, and afforded us many grounds of hope for those which were to come. What had already occurred there had been of the greatest advantage to the common cause, and had done the highest credit to our gallant army, and to its brave and skilful Commander. If he were to be asked, what we had done by our campaign in that country, he would answer, that we had withdrawn a numerous and formidable army from the country of Spain, commanded by one of the most eminent and most fortunate of the generals in the service of France; that we had baffled the first attack of that powerful army so commanded; that we had so preserved from the invaders the capital, and a large portion of the country of Portugal; that we still presented to them the formidable front of defiance, and held them in a state of disgraceful inactivity! (*Hear!*) If their Lordships recollected the various predictions of ill success which had been delivered, it must be admitted that we had surpassed even the general hopes. What we had still to do, depended on future occurrences. They might expect, on this subject, a repetition of all those melancholy prognostics and forebodings which they had already heard; but he was ready to say, that he should much rather adhere to the hopes derived from the accounts of our brave commander, Lord Wellington himself, and the expectations and high spirits of his whole army. However he might be induced to pay respect to the wisdom, talents, and foresight of others who entertained gloomy opinions on this point, he must be permitted to indulge strong doubts of such opinions after the failure of former predictions, and a fair review of what had already passed. (*Hear!*) The gallant and successful defence of the Island of Sicily, was a still greater source of satisfaction, inasmuch as we considered the magnitude of the military and naval preparations of the enemy, and the boldness of the menaces with which he preceded his unsuccessful attack. Exactly in proportion to the presumptuousness and arrogance he had displayed, must he measure the shame and disgrace of his failure. If we turned our eyes towards the east, we should find the additional conquest of two Colonial Settlements from the enemy; which were not, perhaps, of peculiar importance to us from their own intrinsic value, but the conquest of which was still of high importance, as tending to the destruction of the enemy's foreign possessions. He might here advert to an enterprise in that quarter, which, certainly, had not proved successful, from some cause

which he could not be expected to explain fully ; but in which the perseverance, valour, and spirit of our arms had been evinced in the highest degree. The exhibition of these great qualities on that unfortunate occasion reminded us of the bravery and self-devotion recorded of some of the heroes of ancient times. (*Hear !*) There was another point adverted to in the speech, to which he should briefly allude—the pending discussions and negotiations with the United States of America, and the wishes so strongly expressed by the Prince Regent of their successful issue. Deficient as he must necessarily be of information of the actual state of those discussions, it would be impossible for him to speak of them otherwise than generally ; but he must take that opportunity of stating how deep and sincere was his regret that any thing should have occurred to cause them to continue for so long a period, and so far to delay an amicable adjustment—his regret, that two nations, who ought, from so many interesting circumstances, to be united in their friendship, should have spent so much time in discussions on topics which separated their mutual interests and dispositions. At the same time, he did not believe that such an unfortunate delay could be justly attributable to the conduct of the ministers of the Prince Regent ; who, he was convinced, never entertained any disinclination to negotiate. He was perfectly sure, that the noble Marquis, to whose hands were entrusted that department of the public service, was the last person who needed to be told, that if he brought the discussions between this country and America to a successful termination, and to a state of permanent friendship and amity, he would perform for his country as great a service as his gallant relation could achieve by another glorious conquest in the field. (*Hear !*) Their Lordships must have heard with the greatest satisfaction, the statement in his Royal Highness's speech, of the flourishing situation of our revenue ; notwithstanding a partial defalcation, which was, he believed, from some deficiencies in the receipt of Customs. But in such an extensive war as the present, in which such unparalleled and gigantic means were employed and set in motion against us by the enemy, the wonder was, not at what he had been able to achieve, but that he had not done much more ; not that he had met with some partial successes, but that his efforts had not met with almost entire success. Whatever success of this description he had met with was, nevertheless, abundantly compensated by a view of the gratifying state of the *whole* of our revenue, against which his efforts were

particularly and avowedly directed. This afforded us a source of real and unmixed pleasure, as it furnished us with another, and a striking proof of the abundance of our resources, and of those means of internal comfort, happiness, and strength, which were placed in security, out of the grasp or reach of the foe. There was another topic of very considerable moment, and particularly in the present state of the public affairs, on which, though it was not touched upon in the speech, he should take the opportunity of saying a very few words. His Lordship here alluded to the state of Ireland, and the question of the Catholic claims: but spoke in too low a tone of voice to be perfectly distinguishable below the bar. He admitted the great importance of the subject, and the grave consideration which it merited. These claims had been considered before by the greatest authorities of the times, who had certainly expressed their opinions in favour of them; especially he felt himself influenced by the sentiments of that immortal Statesman, now no more, who had endeavoured to settle that important question; but who forbore, from reasons of the highest moment, to press the subject in Parliament. Whenever that subject was taken up, he trusted it would be in the spirit of conciliation, moderation, and liberality: but he must particularly hope, that in the present state of public affairs, it would appear advisable to every noble Lord not to stir this delicate question. He was convinced that those who viewed the subject in its proper light, would see it in the same shape. After various other observations, the noble Earl concluded by moving an humble Address to his royal highness the Prince Regent, conformable to the various topics of the speech, with the introduction of the condolence of the House on the lamented demise of her royal highness the Princess Amelia.

Lord Eliot rose to second the Address which had been moved by his noble friend. His Lordship called to the recollection of the House the state of the country at other periods of His Majesty's reign, when he was in the full exercise of his Royal functions, and the many blessings he had conferred upon his people during a reign extended to so an unusual length; and expressed his great satisfaction at the happy prospect now opened, by the fortunate change in his Majesty's health, of his speedy recovery, and the resumption of his Royal authority. He paid the strongest tributes of approbation to the conduct of the Prince Regent throughout all the proceedings upon this delicate and interesting

business, and particularly in the part he had acted since his establishment in the Regency in the name of his Royal Father. He did not praise the Prince Regent, merely because the line of conduct he had adopted might be congenial with his own (Lord E.'s) sentiments, though he was convinced, that such conduct would tend to the benefit and advantage of the country, nor yet because he had made to a sense of public duty a sacrifice of his own opinion and wishes on public affairs. His praise of his Royal Highness sprang from the affectionate conduct he had manifested towards his Royal Father; a conduct, which was the happiest omen of his future government, and which must, in the fortunate event of the restoration of his Majesty's health, tend to draw closer and closer the bonds between the King and the Prince, and render in future the government of the Country stronger than ever. It being admitted that the Government of the Regent must, in itself, be weaker than that of the King, and it having been thought fit by Parliament to accompany a temporary power with some restrictions and limitations, the conduct of the Prince Regent was to him an additional source of consolation. His Lordship went over the different leading points of the speech, expressing his approbation of the sentiments conveyed in each of those public exertions noticed in them, and his gratification at the prosperous condition of the revenue. The last part of the speech, in which the Prince Regent declared the recovery of his Majesty, as soon as it pleased the Divine mercy, to be the warmest wish of his heart, the noble Lord said, he could not consider as merely the speech of the Ministers of the Regent, but as the expressions of the Regent himself. They afforded him the highest pleasure, and did that illustrious personage the greatest honour.

*Earl Grosvenor* said, that he had come down to the House that night hoping to be able to support the Address; but now having heard it, and the speeches of the noble mover and seconder, he must say, there were parts of it which could not meet with his concurrence. On the sentiments of affection and respect towards his Majesty, which were conveyed in the Address, there could be but one opinion; and their Lordships, as well as the country at large, must rejoice in what was stated with regard to the financial prosperity of the kingdom. But he confessed, it was with considerable surprise, that he had heard their Lordships called upon to

support the present Ministers, as if they were new and untried men; as if they had never heard of their ill-fated expeditions, and above all of the expedition to Walcheren; as if they were men who had not been already tried in the balance, and found wanting. He regretted that the former practice of communicating the speech, on the night before, to the members of both Houses, had not been adopted on the present occasion, as thus an opportunity was afforded for giving it more mature consideration. Yet this was to be the less regretted at present, as a speech of so flimsy a texture, and containing so little matter of information either with regard to past occurrences or future measures, had perhaps never been delivered from the Throne. Even in times of profound peace, much more information might have been expected with regard to the situation and prospects of the country; but in a period so awful as the present, such paucity of information would indeed be surprising, were it not for a circumstance which it was quite sufficient to allude to, namely, the consideration of who were the Ministers of his Royal Highness; for certainly, if they were Ministers who possessed his confidence, one should have imagined that some topics of a popular nature would have been introduced; some mention would have been made of a reform of abuses, and a diminution of expenditure; particularly when the noble declaration of the Regent was recollected, that the supreme power was held entirely for the benefit of the people. He looked upon the speech as much more objectionable for its numerous omissions than for what it contained. There was some mention made of the affairs of Spain and Portugal; but there was nothing in it with regard to the internal situation of Ireland—nothing with respect to our relations with the Powers on the Baltic—nothing with regard to the affairs of India, which were soon likely to occupy considerable attention—and nothing at all on that most interesting subject, the state of our circulation and paper currency. That part of the speech which related to Spain and Portugal, seemed to pledge the House to a continuance of those efforts which had been already made for the Peninsula; and he must compliment the noble mover of the Address, on the ability which he displayed, and on the ingenuity with which he commented on this part of the subject; but he must maintain that the House had not heard enough, or nearly enough, on the affairs of the Peninsula, to

satisfy those of their Lordships who were at all doubtful on the subject, of the propriety of sending further reinforcements to those countries : they should not only know the real state of affairs in Spain and Portugal, what were the probable hopes or fears to be entertained with regard to these countries, and the grounds on which they were founded, but also what was the condition of Ireland at the present moment. They should know what was the real state of the public mind throughout the inhabitants of the Peninsula. He would acknowledge, that their Lordships were bound in justice and honour to continue their support to those who were struggling for their independence ; but then the aids which they could afford, must be bounded by considerations of prudence and of necessary self-defence. Above all, it was to be maturely weighed, whether the succours which this country was capable of affording were such as would be sufficient to obtain ultimate success ; and he was certain that the people would not hesitate at any expenditure, if the cause was likely to prove successful at last : but in the mean time the dangers at home ought to be considered ; and that there was such a thing as self-defence which called for their primary attention. If the reports which he had heard were true, though he trusted they were exaggerated, that Ireland was in a state of ferment, and that families were emigrating from it into England and Wales, from the fear of a new rising ; then it behoved their Lordships to look at home, and to reflect, whether those efforts that were making for the Peninsula were not to be bounded and limited by such considerations as those he had now mentioned. On these grounds, he must contend, that their Lordships were entitled to much more abundant and satisfactory information, before they pledged themselves to increase or continue their efforts in favour of Spain and Portugal. Some months ago they had all heard that the French army in Portugal was in the most deplorable situation ; that it possessed only the ground it stood upon, and was reduced by famine and desertion. These reports came from so many quarters, that he could not help placing some faith in them, and entertaining strong hopes that the Allied Army, refreshed and recruited, had only to pounce upon and destroy its weakened adversary : but disappointment had succeeded these expectations, and it was now found that the French Army had not only plentiful supplies, but had received numerous reinforce-

ments: The noble mover of the Address had acknowledged that there were dark spots in the horizon of Spain; this was too true: it was still uncertain whether their nobles generally were worthy of their ancient fame, or the people at large were determined to conquer or perish. There was one more subject to which he would call the attention of their Lordships, and that was, to reflect on the mischievous delays which had taken place in the appointment of the Regent, and the unfortunate debates to which it had given rise. There was no other mode of avoiding them on any future exigency of a similar nature, but by some legislative measure which should provide for the immediate supply of any deficiency in the Executive Government. He trusted that some measure of this sort would be brought forward in the present session. He did not mean to propose any amendment to the Address, but satisfied himself with delivering his sentiments on those parts of it with which he could not concur.

*Lord Grenville* declared, that it was always with great concern that he rose to oppose any motion for an address; and therefore it was very gratifying to him to say, that in most of the sentiments contained in the present address he perfectly concurred, as well as in those conveyed in the very able and eloquent speech of the noble mover. Indeed, he must say, that since he had had the honour of a seat in that House, he never heard a similar motion conducted with greater ability; not only for the peculiarly happy selection of the topics, but for the justness and propriety of the views, and for the forcible and impressive language in which they were conveyed. It was truly gratifying to him to hear such displays of talent; and he trusted that the noble Lord, who had already distinguished himself by his love of literature, would prove an ornament to that House, and would, on many future occasions, gratify their Lordships with similar displays of enlarged and liberal sentiment. The noble Mover had justly anticipated, that with regard to that part of the Address which expressed an ardent hope of the King's recovery, there could be but one sentiment in the House. On another part of it, also, he believed that a complete unanimity prevailed, namely, the conduct of the Regent throughout the whole of the measure that was now carried into effect. On the uniform dignity and propriety of that conduct, there could be but

one opinion in the House and the country; and it afforded the best founded prospects, when the time came that the King should be no more, of his zeal for the happiness and best interests of the people. He had to regret, therefore, that the present Address would come up to his Royal Highness without containing one compliment, without one mark of personal respect; yet, however that was, he believed, that in the feelings of the House, the conduct which his Royal Highness had observed was above all praise. (*Hear.*) On the political parts of the present Address, it was not necessary for him to say much, particularly as other opportunities would occur of discussing the topics that were there touched upon. Although he would willingly refrain from saying any thing on that part of it which related to Spain and Portugal, yet he felt himself bound to say, that it contained a pledge contrary to the opinions he had all along entertained on that subject of policy—contrary to that which he still entertained—and which, whether inconsistent with the general sentiment or not, whether popular or unpopular, he should betray his duty to his country if he did not distinctly express. He had never hazarded so absurd a sentiment as that it was not highly desirable that all due assistance should be given to the exertions of the inhabitants of the Peninsula in the vindication and maintenance of their independence. No rational man could doubt that the issue of that contest was most deeply interesting to the fate of the civilized world, as well as to the independence of this country. But the real question was, “Is it advisable that the mode of assistance to be pursued by this country, should be to make ourselves principals in the war, by embarking the whole of our disposable force in the issue of such a contest, where our enemy could bring the whole force of the Continent of Europe against us?” He did not hesitate to deliver it as his opinion, that in a contest so unequal, the money and resources of the country must be expended with certain loss; for it was impossible to expect success in such a mode. He agreed with the noble Mover, that with regard to the war in Portugal, it was better to rest on the opinions of those upon the spot, than on speculations formed in the closet. The noble Earl had also said, that the predictions of disaster to the allied armies had not been accomplished. But what were the predictions they all had heard, with regard to the fate of the French army in Portugal? Had

those predictions been fulfilled? When Lord Wellington had, by a series of wise retreats, (and he really believed that the skill and prudence of that gallant General were conspicuous) conducted the enemy in front of his strong position, it was generally predicted, that the consequence would be, that the French army would lie at the mercy of the allies; that the French General would, from famine, be forced either to risk a hazardous attack, or speedily commence a precipitate and ruinous retreat. How was this prediction verified? Why, by the partial retreat of the enemy, the allied army was enabled to occupy a part of the intermediate space which had been covered by the enemy; and even there considerable resources in provisions were found for our army! This fact he stated from certain information. Of the military conduct of Lord Wellington he was no judge; but in so far as it was marked by caution, and an unwillingness to expend unnecessarily the blood of his countrymen, it had his most marked approbation. But his grand objection to the mode of warfare now pursued was this—that there did not exist that individual who could suppose, that if France was in possession of Spain, Portugal could, by any efforts, be preserved. The independence of Portugal was indissolubly connected with that of Spain; and it was impossible to defend the former, if the latter was lost. There was one opportunity, indeed, when something might have been done, and that was, when the force of France was drawn off to the extremity of Germany; but he need not remind the House how that opportunity, never to be recalled, was lost. But it was said, that the campaign in Portugal operated a powerful diversion in favour of Spain, and gave her an opportunity of re-occupying the country which could no longer be held by the enemy, when so great a portion of his force was withdrawn to Portugal. In answer to this, it was only necessary to see what had really happened. During the last campaign in Portugal, the affairs of France in Spain had considerably advanced, in spite of this diversion, and never were in a more favourable state than at the present moment. The predictions, therefore, which he had hazarded in the last session, so far from being disproved, had actually been verified by events. On these topics, however, he would not dwell at present, as other opportunities would occur for discussing them; but he must enter his protest against pledging

the House to agree to the employment of any additional military force in the Peninsula, convinced that it was most dangerous and impolitic so to do. There was one part of the speech of the noble Mover with which he cordially concurred, namely, when he expressed a strong hope, that the negotiations with America were likely to be successfully terminated. There was hardly any thing preferable, in his mind, to the establishment of cordiality and harmony between the two countries. Opportunities of this sort had already been neglected; but if the present had a happy result, he should most cordially congratulate their lordships and the country upon it. He was rather surprised that no allusion was made to the state of the paper circulation of the country; but upon the whole, with the exceptions he had stated, he had now to express his entire concurrence in the Address, as well as with the sentiments contained in the speech of the noble Earl who moved it.

*The Earl of Liverpool* was in hopes that, after the very able speeches of his noble friends, the mover and seconder of the address, it would have been unnecessary for him to claim the attention of their lordships. There were, however, some points in the speech of the noble Baron, which obliged him to solicit the indulgence of the House for a short time. Among the different topics which the noble Baron introduced, there were two in which he most cordially concurred with him. He was happy in the opportunity of being able to join in those well-merited encomiums which the noble Baron had so liberally and justly bestowed upon the speech of his noble friend, the mover of the Address. There was another topic also upon which he felt the greatest pleasure in concurring entirely with the noble Baron, he meant that part of his speech which related to the conduct of his Royal Highness the Regent on this occasion. He regretted, however, that the noble Baron should have introduced topics which were not necessarily connected with the subject, and which were calculated to interrupt that unanimity which he was in hopes would have prevailed respecting the Address. But the introduction of these topics should create no difference of opinion between him and the noble Baron, respecting the conduct of the Regent; for which neither the noble Baron nor any of his friends could entertain greater admiration than himself.

With respect to the feelings and sentiments of a serious person, with reference to every part of the Address, as it was known to the whole world, there could be no sentiment, which was this—that it was entitled to the qualified approbation, and the warmest gratitude of the country. He did not calculate upon any opposition to the Address. It was the desire of those who drew it up, to present the sense which Parliament might be supposed to entertain of his Royal Highness's regard for the public interests, by accepting the government during the royal indisposition. They also endeavoured, as far as it was practicable, not to introduce any topics in the Speech which could possibly give rise to any marked difference of opinion. Indeed, under the present circumstances of the government and the country, it was peculiarly desirable to omit every subject in the Speech which could produce a protracted discussion. This intention, however, was subject to be qualified. It did not follow that because the framers of the Speech deemed it prudent to omit certain subjects likely to create a strong difference of opinion, they were therefore to leave out of it the leading principles of our national policy. It was upon these grounds that they omitted those subjects of which a noble Earl (Grosvenor) complained; subjects, from the discussion of which he would not be found to shrink when they were properly before the House; but the introduction of which in the Speech must have inevitably led to those discussions and differences of opinion, which they who framed it were so anxious to avoid. But, however anxious he might be to avoid difference of opinion at the opening of a session, he never would, for the sake of unanimity, sacrifice any great public principle. Accordingly, the noble Earl would find, that the most important points in our domestic and foreign relations had been alluded to in the speech. The circumstances of the country, as he said before, rendered it advisable that this exposition should be made in terms not likely to produce opposition of sentiment: the framers of the Speech had endeavoured so to fashion it; and he trusted that the decision of the House, when the question came to be put, would shew that their labours had not been unsuccessful. There was one paragraph of the Speech upon which it would be necessary for him to say a few words; he meant that which related to the war in Spain and Portugal. He could not have anticipated any objec-

tion to the introduction of a subject, upon which Parliament had repeatedly judged and pronounced its opinion. It was not a new principle that was thrust into the Speech, but one which has been now nearly three years before the country. They were not called upon to embark in a new war, but to sanction the continuance of a contest in which the government engaged with the advice of Parliament. He was aware that shades of opinion might exist as to the policy of the war in the Peninsula, in the mode and upon the scale that it was conducted; but he was persuaded that a very great majority of the people of this country approved of the principle of giving Spain and Portugal every degree of assistance that did not endanger our domestic safety. This being the sentiment of the nation—this being a subject upon which the Crown had so often committed itself, and committed itself by the advice of Parliament—were they, by omitting so important a topic in the Speech, to withhold from their brave and persevering allies the satisfaction of knowing, that it was announced in the Speech from the Throne, that the assistance from which they had derived such very great advantages was to be continued? But he could not discover what there was so objectionable in that particular paragraph of the speech. In his understanding of it, it pledged no noble lord to support any specific mode of carrying on the war in the Peninsula. The pledge and promise of assistance was, in fact, expressed in those general terms which left every man's future opinions on the subject free and uncontrolled. He should not follow the noble Baron (Grenville) in his observations upon the policy or conduct of the war in the Peninsula. When that important question came under consideration, he did not despair of being able to convince their lordships, that the system which was adopted towards Spain and Portugal was not only the best which could have been pursued with reference to the particular circumstances of those countries, but that it was in fact the only one which held out hopes of ultimate success. This system, whatever its merits or demerits may be, Parliament was not now called upon to generally approve, but to sanction the principle which they had repeatedly approved, of generally assisting the inhabitants of the Peninsula. With respect to the predictions alluded to by the noble Earl who had so ably moved the Address, the noble Baron appeared to be under a mistake. They were not intended to apply, as

well as he understood them, to any events that had occurred during the present campaign in Portugal. The memory of the noble Baron must be rather short, if he could not recollect, that in one of the discussions which took place in the course of last Session on the affairs of the Peninsula, there were certain noble Lords who did not hesitate to assert and pledge themselves, that a very few months would bring home the remains of the British army from Portugal. (*Loud cries of hear! hear!*) This prediction they founded upon the absolute hopelessness of making effectual head against the French; a hopelessness produced, as they stated, by the inadequacy of the British army to maintain the contest, and the utter insufficiency, for any great and trying military emergency, of the Portuguese levies. The prediction of the return of the British troops had not been fulfilled. The prediction of the insufficiency of the Portuguese troops had not been fulfilled. He had the testimony of the gallant Viscount who commands the allied army—he had the evidence of the eminent and meritorious officer (Marshal Beresford), under whose more immediate care they were, and to whose skill, talents, and activity, they owe the perfection of discipline which they have attained, that they are, in every point, qualified to fight side by side with British troops. This was a point upon which he could appeal with confidence to every British officer who had seen them. But the noble Baron had talked of the disappointment of the expectations of the country, and of certain predictions of the speedy expulsion of Massena from Portugal. To this he would answer, that Government never encouraged any such expectations, nor was the slightest hope ever held out by them of the probability of such an event. Where did the noble Baron find these predictions? Were they contained in any document of Parliamentary authority, in any public dispatch? It would be hard indeed, if Government was to be made responsible for the extravagant speculations of over-sanguine persons, whose zeal for the honour and glory of their country made them bound over all obstacles in the way of the most complete and decisive success. Differing as he did entirely from the noble Baron respecting the policy of the war, he was happy to have an opportunity of agreeing with him on one point—the conduct of the campaign. For the reasons he had stated, he trusted that the noble Earl (Grosvenor) would not persevere in his oppo-

sition to the Address, and by so doing prevent that unanimity which was so desirable at the commencement of every session, and particularly of the present. The paragraph relating to Spain and Portugal, he would again repeat, did not commit the country more than it already was committed, or pledge the noble Earl more than he was pledged before. With respect to America, he could not, in the present state of the negotiation with that country, say all he wished. But he had no hesitation in declaring, that Government fully appreciated the value of that connection; that they were disposed to act towards the United States in the most conciliatory manner; and that there was no political object for which they were more anxious than to establish the most full and free commercial intercourse between the two countries: an intercourse, the incalculable advantages of which they both knew from experience. It never was the intention, nor could it have been the policy of the British Government, to provoke a contest with the United States. The measures which we were compelled to adopt were for the purpose of vindicating and asserting our rights; rights which involved the honour, the security, and the prosperity of the country. If the effects of these measures have incidentally fallen upon the commerce of America, it is not the fault of the British Government. It is to be lamented, that innocent parties should suffer by the arrangements which we were compelled to adopt in defence of our honour and interests; but the sense of that honour and those interests would never have allowed any departure from it, or any other course to be taken. After what he had stated, he trusted no serious opposition would be given to the Address, which had been framed with a view of precluding the possibility of any marked difference of opinion.

*Earl Grosvenor*, upon an understanding that he was not pledged to any thing respecting the Peninsula by assenting to the motion, would not oppose the Address. The omission of any thing relating to the state of Ireland, he must still consider as a great defect in the Speech.

*The Earl of Radnor* supported the Address. He approved of the prominent passages in the Speech, but he thought it was rather deficient in the usual compliments to the Prince. The question was then put, and the Address was carried, *nemine dissentiente*.

## HOUSE OF COMMONS.

TUESDAY, FEB. 12.

A Petition was presented, complaining of an undue return being made for the county of Limerick, which was ordered to be taken into consideration on Thursday fortnight.

## SPEECH OF THE PRINCE REGENT.

The Speaker informed the House, that he had been in the House of Lords, and had there heard the Speech of his royal highness the Prince Regent, containing further causes for the assembling of Parliament, read by the Lord Chancellor, of which, in order to avoid mistakes, he had procured a copy.

After the Speech had been read,

*Mr. Milnes* rose, for the purpose of proposing the Address. He had on a former occasion presented himself to the House, and had experienced their indulgence when proposing a similar motion to the one which he should now have the honour of submitting. He feared much that his addressing them now would only produce an additional instance of his own unworthiness; and, indeed, when he considered the difficulties of his present situation, he felt sensibly that he should require a double portion of their indulgence. The bare occasion of their assembling presented unusual and additional difficulties. The case was new, but then it was justified by an imperious necessity; a necessity, in combating which much praise was due to the vigilance of Parliament, much credit attached to the energies of Administration, much love and veneration to the Regent himself. The great singularity of his own situation would, he feared, prevent the possibility of his doing justice to it. He should be glad to have passed over the first words of the Speech, and in the course of it altogether follow what he was sure was the wish of the Regent, namely, to abstain from saying any thing to wound the feelings of his and their common Father.—(*Hear! hear!*)—It was his greatest and most confident hope, that they were now arrived at that period when unanimity might be expected; a period which more than any other claimed the protection of Parliament. It would prove, he should hope, the commencement of peace amongst them, the date of the cessation of hostilities, the signal for the union of all parties, when one side of the House would offer its talent and its

spirit, and the other carry an oblivion of all disputes into one common exertion for the service of the country. The Speech shewed them the necessity of that union; it displayed, in faithful features, the situation of Great Britain. He should now content himself, by glancing briefly at those topics in it which would of course hereafter become the subject of more mature discussion. The addition to our colonies, by the capture of the islands of Bourbon and Annobona, he was far from thinking inconsiderable. However; he did not mean now to offer as a boast that we had taken much, when we might have almost said before that we had taken every thing. With respect to Sicily, and the fruitless vaunting of the expedition to that country, it might perhaps contain an analogy to the scheme of our own invasion. The defeat of the enemy seemed only to have inspired him with hope; and when his gun-boats were called out on the future occasion for which he was preserving them, no doubt our own shores would exhibit that gallantry which our soldiers had evinced on a foreign one. He now came to the affairs of the Peninsula; and there, he could say, without fear of contradiction, that the plans of the enemy were completely frustrated.—(Hear! hear! hear!) Comparing the state of Spain now with the state in which it stood at the commencement of the last session, it was plain that we had every thing to hope. The ambition of France was checked, her threats disappointed, and her predictions falsified. The very organ which had before predestined the fall of empires, and too fatally verified its prophecy of ruin—that very organ, the *Moniteur* of France, which appeared to have had the gift of inspiration, and the power of decyphering the scroll of futurity, had proved at length its own fallacy in the groundless vaunt that not a single Englishman should quit the Peninsula. We had made no such boast; but the absence of boasting was not to be considered as the result of depression. We had no grounds for depression. There was nothing to depress us in the conduct of the campaign, nothing in the battle of Busaco, nothing in the bravery and patriotism of the Portuguese army, (hear!) animated as they were by their own ardour, and disciplined by the guidance of our officers. They had, indeed, a noble example set them by the soldiery, as well as by the Commander of the British troops. Lord Wellington had eminently displayed, throughout his campaign in the Peninsula, those qualities for which he

had been before celebrated; and developed also every military qualification, the possession of which had been before doubted.—(*Hear! Hear!*)—He was the more anxious to say thus much on this subject, when he considered the delicacy of his situation who was to follow him in the debate. Portugal, then, offered every hope, and surely Spain was not the subject of despair—Spain, which had made such noble efforts when her treasure was absolutely in the hands of her enemy, and her Legislature even at this moment blockaded by his arms. This hope, cheering as was the prospect it held out to all, ought to be a subject of congratulation, not only to the Country, but to the Administration: it justified their views and their measures; and rescued them from a serious weight of responsibility. No doubt in such a struggle Spain must have suffered, but there was as little doubt that France had also suffered deeply.—If, indeed, he was asked, in what campaign the enemy had lost most, he should point to the present. Perhaps it would not be in his power to offer the distinct and precise documents for his assertion; but still, from general reasoning and particular data, it would be found that France had poured into the Pyrenees no less than 650,000 men. If he could not immediately point out the parts of Spain in which they had been disposed of, his excuse was to be found in the nature of the country itself; a country, of which it had been said, that it was in possession of the French by day, and the Spaniards by night. Not only, however, had Spain been benefited by our interference in her cause—not only had our own character and country been elevated and assisted—but all Europe, all the world perhaps, participated in its advantages. From what he now saw going on in the north of Europe, he had little hesitation in saying, that had it not been for Spain, the Powers which were now debating her policy might have been suffering in her thralldom. Petersburg itself, so far from being the extremity, would have been the centre of French dominion.—(*Hear! Hear! Hear!*)—He had but one observation pressed upon his mind by the consideration of America, and that was, that, after the conduct of France should have been known there, and the doubts with respect to her vessels promulgated, we had every right to expect a favourable termination to our present negotiations. The view of our commercial and financial concerns was, as represented by the Speech, with only one exception, particularly prosperous.

Such a circumstance, at all times consolatory, was now, when the war had taken a new turn, especially so. In such a contest as we were engaged in, some instances of partial failure, even in our maritime exertions, where we were most successful, must be looked for. But these were natural, and we must be prepared for them: we must not, at all events, allow them to cloud the prospect of our generally prosperous situation: we must not suffer them to destroy all confidence in the promise which futurity afforded us.—The chances of our failure were few, the proofs of our success manifest; and it was now, not only our own interest, or the interest of our allies, but the interest of Europe, nay, of the world itself, for which we were contending. No doubt Parliament would consider itself bound by every tie to support such a contest. He now came to the last feature of the Speech—the resumption of the sceptre by his Majesty under the care of Providence. Such a calamity as had befallen the Sovereign proved at least one thing which must be cheering and consolatory to his heart; he meant, the filial duty and patriotism of his Heir-Apparent. Perhaps at that very moment his parental mind was receiving from his Son himself the confirmation of his affection; an affection which contributed to the happiness of the one, and constituted the glory of the other. It would be also his enviable lot to learn the sincere ardour of every other branch of his family; and, united to that, every proof of the devotion and esteem of his larger family, the people he had so long and so mildly governed. The hon. gentleman then concluded by moving an Address, which was, as usual, an echo to the Speech.

*Mr. Richard Wellesley* agreed most fully with the honourable member who had gone before him, in the sincere and ardent prayer for the perfect restoration of his Majesty. There was, however, in the conduct of the Prince of Wales, an omen the most favourable of his capability to discharge every duty of the arduous trust which had devolved on him. This omen was to be collected from his repeated declarations that he would support the rights of the Throne, and the interests of the people. Such declarations reflected the highest honour on his Royal Highness; and in saying so, he was sure this expression of his individual feeling was but the echo of the public voice. (*Hear, hear!*) With respect to the war in which we were engaged, although, perhaps, a difference of opinion might have existed as to the policy of its

commencement, still none could arise as to the propriety of its continuance. That war was on the part of our enemy commenced, not for any particular or circumscribed object, not for any political or territorial acquisition, but for the avowed purpose of uprooting our establishments—not for the impoverishment of our allies, or the destruction of our commerce, but for the total and indiscriminate subversion of those free institutions on which our present prosperity or its ultimate permanency was founded. It was at those foundations of liberty which he aimed—those noble principles which enabled the powers of the Hanseatic league to cope with any power in Europe, and the absence of which levelled them into a province of France. (*Hear, hear, hear!*) We had nothing to expect either honourable or permanent in peace, until we reduced the strength of an enemy who was impelled by such a motive. The reverses of the Spanish war had not relaxed the Spanish spirit. When the French army overran Andalusia up to the gates of Cadiz, and when the most sanguine admirers of Spanish heroism despaired of the contest, it was suddenly revived. The Duke of Albuquerque saved Cadiz, and the French were repulsed. Buonaparte had tried all the expedients of his policy with the Spaniards; gentleness and severity were used in their turn, and equally without effect. Every attempt to crush the public spirit had been unavailing. The Spanish flying parties, which were at first punished as robbers, were at length acknowledged as regular soldiers of a power at war. When they were taken prisoners, they uniformly deserted to the standard of their country. Next, let the eye be turned to the effect of British assistance. The Cortes had been assembled: the Spaniards were about to possess a Constitution according to law. The great council of the nation were assembled with the national confidence. It was of the most signal importance to have the public spirit thus embodied into a constitutional form. The Cortes had never uttered a word of submission. They reminded us of that ancient Roman Senate who sat in the calmness and majesty of national deliberation, while an enemy was under their walls. By British assistance the great maritime provinces of Murcia and Galicia were freed from the enemy, and cherishing their force for future efforts. The interior of Spain was full of partizan troops, who sometimes pushed their incursions to the gates of the Capital. What was the progress of the French arms in Portugal, after the high-sounding proclamations of the French

court, and of the Generals on the frontiers? What were those promises? The expulsion of the British from the Peninsula, and the utter reduction of Spain and Portugal. What was the history? In July, Marshal Massena crossed the Coa; in January he was fifty miles from Lisbon. The march through Portugal, which was to have merely paraded the Imperial Eagles through the country, took up from July to October. A month was then lingered away before the British lines. Did the enemy then advance to Lisbon? No! their march was a midnight retreat, closely followed up by our army: their retreat was to a fortified position, where, he (Mr. W.) might say, they were blocked up by the Portuguese and British troops during the last two months. He (Mr. W.) would not attempt to dwell upon the merits of that officer, whom as an officer and a relative he was bound to venerate; but it would be admitted, that he had at least conducted the campaign without dishonour to the British arms. He had defended a small country, and little abundant in resources, for a longer time than had been enough for the subversion of the great Continental governments. There was another view in which the war in the Peninsula ought to be taken. The safety of the Peninsula was good for England. The balance of power was now, perhaps, unattainable; but it was highly important for us to have, close to France, a great power, strongly hostile to her; and by principle, and by ancient prejudice, strongly leaning to England. He (Mr. W.) would not add any thing to what had been said by his hon. friend (Mr. Milnes) on the subject of Sicily. As to America, there was every proof of the disposition of England to adjust the existing differences in the most friendly manner; but it was to be cautiously provided that the maritime greatness of England should not be made the price of the adjustment. If there was nothing in the aspect of our foreign affairs to excite despondency or despair, there was not more in our domestic situation. If there had been some failures in mercantile speculations, these were scarcely more than were incidental to the spirit and enterprize of British commerce: and when the House would recollect the heavy calamities of 1796 and 1797, and yet how rapidly public credit rose, and public opulence recovered from the misfortune of the time, it gave the fullest confidence, that the late failures would not be felt by the commercial interest of England. Let the British merchant learn to bear the calamities which pressed upon him, when he saw how much more

heavily they pressed upon the enemy; when he saw the restrictions on commerce producing not only an ill-will, but a resistance, which in no long time might force the abolition of the anti-commercial decrees. He (Mr. W.) would now conclude; he was sensible of the kindness and attention with which the House had indulged him in what he had to say, and would not trespass on them further. He would simply say, that the character of the Prince Regent, the character of the times, and the spirit of the House, countenanced him, in calling for an unanimous vote in favour of the Address, which he had the honour of seconding.

On the question being put,

*Mr. Ponsonby* rose. He congratulated the gentlemen who had moved and seconded the Address, on the very creditable manner in which they had come forward to the House. It was not his (Mr. P's) intention to animadvert on any thing that had fallen from them. There were some of their statements in which he cordially coincided. In every thing that was said of his Royal Highness, of his fitness for the government, and his personal merits, he (Mr. P.) would most fully agree. He agreed with what was said, of the duty of that House to give the fullest and most efficient support to the government of the Regent. He (Mr. P.) would, for one, give his best assistance to every measure brought forward by the Regent's advisers, to which he could conscientiously give his support; where he could not, he would refuse it with pain. On the present occasion, he had no idea of making any formal opposition to the Address. In one thing, he would agree to adopt not merely the sentiments of the Address, but the words of the mover and seconder. He rejoiced that it was intended to try conciliation with America. As to that part of it which respected Spain and Portugal, he would say a few words, but it was only that he might not be misunderstood in voting for the Address. He would wish to be looked on, as giving it his entire approbation in all its parts. He wished to keep himself at liberty for the discussion of those subjects at another period of the Session, when he could come to them with better opportunities; and particularly when he had the means of coming to them with fuller information. He would make no further objection to the Address, which appeared to him framed so as to take away all offensive topics. The mover and seconder had, with great propriety, avoided all that might produce altercation in the debate, and he would not excite it now. He only wished that his general

opinion should not be considered as precluding him from any future opinion on any particular point which might be brought into discussion. (*Hear!*)

Sir Francis Burdett shortly said, that it was not his intention to take up the time of the House; but there were one or two topics on which he would slightly touch, before he sat down. He was ready to give the Prince Regent credit for the best intentions; but it was to be lamented, that he was placed in such a situation as his present one. At the end of three months debate and discussion, the country was left without the Constitution of England. He (Sir Francis Burdett) could have wished, that the Prince had refused his present situation. His not meeting the House on this day, was a proof of his dissatisfaction. After raising one phantom, we had raised another, and called it a Regent; we had made a governor, without entrusting to him the power of government. He (Sir Francis Burdett) must further observe on a practice which had crept in only within these few years, and that was, not acquainting the members of the House with the substance of the Speech, before they were called on for their votes upon it. As the practice was now, they were called on suddenly to give their votes on the whole mass of the Address, containing, as it did, topics of the most various and highest importance. No good reason could be assigned for this deviation from the ancient mode. It was not his (Sir F. Burdett's) intention to proceed at that moment, under such circumstances, to consider the Address. He would move for an adjournment until to-morrow, for the express purpose of taking time to consider the subject. He would not, however, press the motion, if it did not meet the approbation of the House. The not meeting the Regent to-day, was to him (Sir Francis Burdett) an evident proof of his dissatisfaction with the Ministry who had been forced upon him. The Regent would not appear in public with them. He would not be seen by the House in company with them. Like the ludicrous scene in the play where Falstaff musters his recruits, and finds upon inspecting them, that they are such ragamuffins, such a pitiful scarecrow set, that he could never march through *Coventry* at the head of them. (*Much laughing*). Sir Francis Burdett then said, that he was called on for his vote without being given time for consideration. He then concluded by moving that the House should adjourn until the following day.

Mr. Lamb agreed with the mover and seconder of the

Address, that there were many points in it on which the House might be called on for an unanimous vote ; but there were also some on which most mature consideration would be proper and necessary. From the manner in which the Speech had been brought before them, no time was allowed for examining its topics ; and he could not give the only vote he ever wished to give, a conscientious vote, on such short consideration. As to the parts concerning Sicily and Portugal, he had no hesitation in saying, that it was on the part of the French the most lagging war which they had carried on since 1805 ; that terrible year, when despair first seized upon Europe. Their late progress had been slow ; but what was the reason ? In the four first years after that time, they had subverted the four great empires of the Continent. It was this that made their conquests now few and slow. He (Mr. Lamb) hoped that, as now there was no great foreign calamity, and no expectation of any great domestic one, the House would make use of the time which had been granted to them, for attending to the internal state of the country, and more particularly for economising the public expenditure. He further hoped, that the papers relating to public monies would be laid upon the table at the earliest period, and in the fullest manner possible, that the representatives of the people might be enabled to guard and examine the expenditure of the people's money.

Mr. Parnell, alluding to the silence of the Speech respecting the affairs of Ireland, censured the conduct of Ministers for having omitted so important a topic on such an occasion. It might have been expected that they would have shewn so much respect for the feelings of the Irish people, at least, as to mention their concerns and interests, in the Speech from the Commissioners.

General Tarleton could not omit that opportunity of stating his dissent from all that was contained in the Address, and that was stated in the speeches of the opener and seconder, in praise of the campaign in Spain and Portugal. He should take the earliest opportunity to enter his protest against the proceedings in that quarter.

The question was then put upon the Address, which was agreed to, and a Committee appointed to prepare the same ; Messrs. Milnes, Wellesley, Ryder, the Chancellor of the Exchequer, and others, being appointed members of the Committee.

## STATE OF HIS MAJESTY'S HEALTH IN 1804.

*Mr. Whitbread* gave notice, that he should, on Monday next, bring under the consideration of the House a subject which he had recently had occasion to mention, viz. the state of his Majesty's health in 1804. The way in which he should proceed would be, either by moving that a Committee be appointed to search the journals of the House of Lords, and report to that House what they should find therein relative to the late examination of his Majesty's Physicians before a Committee of the Lords; touching the state of his Majesty's health in 1804; or by proposing a Resolution, praying the Lords to communicate so much of such examination to that House. Now that he was on his legs, he should take that opportunity of asking the right hon. gentleman, (the Chancellor of the Exchequer,) whether it was his intention to propose, in the course of the session, any permanent measure as a provision against the recurrence of the calamity with which his Majesty had been recently afflicted. For himself he could say, and, he believed, for every gentleman who heard him, that he was firmly of opinion that such a permanent provision was indispensably necessary. Feeling strongly this impression, he was anxious to know whether it was in the contemplation of the right hon. gentleman to bring forward any such measure?

*The Chancellor of the Exchequer* replied, that he had no such intention.

*Mr. Whitbread* then gave notice that he should take an early opportunity to bring the matter under the consideration of the House; and felt it right, under the present circumstances, to give this early notice of his intention.

## COLD-BATH-FIELDS PRISON.

*Sir Francis Burdett* rose merely to ask a question upon a subject which he found stated in the public prints. He should not take upon him to say, that his information was correct; but if not, he would be in the correction of a right honourable gentleman (*Mr. Canning*) whom he had seen in his place that night. The subject, upon which he wished to be informed, was, as to the case of an individual, a foreigner, who, if he was correctly informed, had been confined for now nearly two years in Coldbath-fields prison, in solitary confinement, and debarred of the use of pen, ink,

paper, and books. The circumstances of his imprisonment were these:—This man, a Portuguese officer (by name Colville, as we have since collected), had in the year 1809, while Lord George Stuart was cruising off Copenhaven, been invited on board his Lordship's vessel to dinner, and after dinner was arrested by virtue of a Secretary of State's warrant, signed George Ganning. The man was sent prisoned to Heligoland, where he was confined in a dungeon for a fortnight, and afterwards brought to England, and committed to Coldbath-fields prison, where he had since been confined under the circumstances which he had already stated. He wished therefore to know whether the name of this individual was such as he had represented it, and what were the grounds for the treatment he had received?

*Mr. Yorke*, not knowing to whom the question of the hon. baronet was addressed, yet, as it referred to a transaction, in which an officer of the profession connected with his department was concerned, felt it necessary to say, that so far as he was himself concerned, he knew nothing of the matter; he could, however, assure the hon. baronet, that inquiry should be made into the transaction.

*The Chancellor of the Exchequer* observed, that as the hon. baronet had alluded personally to a right hon. gentleman, and stated himself to be under his correction, it would have been quite as well if the hon. baronet, when that right hon. gentleman had quitted his place, had deferred his question till he should be again in his place.

*Sir Francis Burdett* had no wish to press the question in this instance: having seen the right honourable gentleman in his place, he had supposed he might still be in the House. He should take another opportunity of repeating his question, and in the mean time he hoped that the necessary inquiries would be made.

*Mr. Whitbread* rose to make an observation, but, there being no question before the House, was not suffered to proceed.—Adjourned.

## HOUSE OF COMMONS.

WEDNESDAY, FEBRUARY 13.

PRISONERS, CONVICTS, ETC.

*Sir Samuel Romilly* moved that an Address be presented to the Prince Regent, praying that his Royal Highness

would be graciously pleased to give directions that there be laid upon the table of that House, returns of the number of prisoners, male and female, committed to prison during the assizes for the years 1805, 6, 7, 8, and 9, distinguishing the crimes on charge of which they had been severally committed; and also those convicted of said charges; and of those discharged on proclamations: there was a similar motion for persons committed, discharged, and convicted at the quarter sessions for the same period; which were both agreed too.

## IRISH DISTILLERIES.

*Sir John Newport* presented a petition from certain persons, Distillers in Dublin, complaining of injuries suffered by them in consequence of the Act of last Session, and praying pecuniary compensation for said injuries. The Speaker objecting to such petition on account of its not having the consent of the Crown accompanying it, after a short conversation respecting the formality between Mr. Foster, *Sir J. Newport*, and Mr. Perceval, *Sir J. Newport* consented to withdraw his petition, and propose an Address in place of it to the Regent.

## EAST INDIES.

*Mr. Creevey* gave notice that on Monday fortnight, the 4th of March, he should submit a motion to the House, the object of which would be to induce them to adopt some measure against the Directors of the East-India Company, for having declared a dividend of 10l. per cent. on the Company's capital stock, under the present circumstances of the Company.

*Mr. Creevey* likewise gave notice that to-morrow week he should renew the motion he made last year for all papers and documents relating as well to the late unfortunate occurrences in the army of Madras, as the extraordinary proceedings in the Courts of Law at Madras, with such further proceedings on the part of the Company and Government at home on the same subjects that had taken place up to this period.

## THE KING'S ILLNESS IN 1804.

*Mr. Whitbread* fixed his motion on this subject for Monday week; and his motion pledging the House to certain provisions in case of a recurrence at any future

period of the calamity under which the country now labours, for next Monday.

ADDRESS TO THE PRINCE REGENT.

*Mr. Milnes* presented at the bar the Report of the Committee on the Address to his Royal Highness the Prince Regent.

On the question that the Report be brought up,

*Mr. Hutchinson* rose, and said that he perfectly agreed in the propriety of an observation made last night, respecting the manner in which that House was so often taken by surprise at the opening of a Session; the greater portion of the members heard nothing of the Speech till a few minutes before they were called upon by the ministers of the day to vote in favour of the Address, which was to echo every part of it. This was neither fair to that House, nor to the measures upon which they were called upon to decide; for gentlemen were thus forced into the predicament in which they stood last night, and compelled either to oppose the Address altogether, or vote in opposition to their judgment, or at least without the fair opportunity of exercising it. This much he said against a usage becoming of late too prevalent. With respect to the Address, he should say, that in every sentiment expressive of their unfeigned concern for his Majesty's indisposition, and of their confidence in the discipline and gallantry of British troops, no person more cordially concurred than himself; but here he must be allowed to say, that the more signal the bravery of our troops, and the more unquestionable the skill which conducted them to victory, the more responsible were Ministers for not having used such admirable military means to greater advantage. He entered his solemn protest against the manner in which Ministers had supplied the army in Portugal with reinforcements. He hesitated not to say, that the efforts of our brave army had not been duly seconded by Ministers—the supplies of men had neither been effective as to strength, nor seasonable as to time—the contribution and the manner of contributing wore all the features of that lingering indecision equally incapable of acting or resolving. There prevailed throughout the conduct of Ministers all the vice of half measures; there appeared to be neither plan nor principle, design nor method; reinforcements were sent out too trifling to be of any use had they been seasonable, and yet so ill timed, as not to have proved of much use had they been sufficiently effective. If an adequate and

seasonable supply of men after the battle of Busaco, could have enabled Lord Wellington to have then fought the battle which may be hereafter to be decided by numbers—did not this involve a serious charge against the negligence or ignorance of Ministers? And would it not be to the last degree disgraceful, if the result should prove that France could collect from all corners of the Continent, and convey over land greater numbers of men, and better provided, within a limited time, than England, could with all the boasted advantages of her marine, and the comparative ease, security, and expedition of a short passage by sea? He did not wish to indulge in gloomy anticipations; but with respect to what had past, he insisted that our brave troops had had to contend not only with the active enemy opposed to them abroad, but also with the imbecility, irresolution, ignorance, and negligence of the Ministers at home. What might have been the original design of Ministers as to the mode of supporting the efforts of Lord Wellington, he knew not, and apprehended that Ministers were perhaps as ignorant of such design as he could be; but of this he was certain, that whatever their design might have been, their measures had not seconded Lord Wellington. They must, however, in sending out a large army to Portugal, have intended to have done something. Was it by such contemptible children's play, as the country had witnessed on the part of Ministers, that they expected to strike a decisive blow against the tremendous power of France? If their intentions were of so vast a scope, why should the measures taken in avowed prosecution of them, be so meanly inconsistent, so wretchedly disproportionate?—if, on the other hand, the struggle be abandoned as hopeless, why exhaust the means of our defence in fruitless specimens of British bravery, always brilliant, but always unavailing? Considering then the Address as communicating nothing, as pledging the House to nothing, perhaps as *meaning nothing*, he was so far disposed to think it in this respect unobjectionable. But though former precedents and ordinary circumstances might have justified such a mode of proceeding at the opening of a Session, the critical state of the Empire imperiously demands the adoption of a totally different course. Such a moment was not suited to idle and empty compliment, but one on which the boldest truths should be spoken, and measures calculated for the salvation of the state suggested. The Address he thought

should be one rather of condolence than congratulation : while it sincerely deplored the melancholy state of his Majesty's health, it should in the most unqualified manner represent to the Regent the *awful circumstances* under which he was called upon to assume the reins of government. While that Address acknowledged the parental affection of his Majesty to his people, and his anxiety at all times for their welfare, it should contrast the general prosperity of the Empire at the moment of his accession, with the accumulated difficulties and gloom of the present hour. It was far from his wish to say any thing that could look like an invidious or ungracious reflection on the reign of a Monarch so justly estimated for his many private virtues : but if the amiable qualities and the best intentions of a virtuous monarch were not sufficient to rescue his people from the baneful influence of bad advisers—an influence which had so long and fatally oppressed that people, and had, at one time, only stopped in the dismemberment of the Empire—if such could have been the ruinous consequences even during the reign of the present King, what future Sovereign could be too cautious in committing himself to the counsels of wicked, ignorant, or self-interested men ? He thought, therefore, that their Address ought to remind the Prince Regent how great a portion of our Empire had been already lost by mischievous and unwise councils. The Address should also state the disturbances and dissatisfaction which had frequently prevailed throughout this reign in Ireland, and then continued unhappily to prevail.—(*Hear!*) It should not pass over in silence the enormous increase of the national debt, and of the public burdens, since the commencement of this reign.—(*Hear!*) While the injury sustained by the manufactures and commerce of the country, being driven by the successful efforts of the enemy from the natural and accustomed channels, had greatly impaired the national means, and added to the embarrassments of the moment, which were becoming every day more distressing and alarming, he thought too that such an Address ought to contrast the present gigantic power and means of France with what they had been at the accession of the King. It should state, in emphatic language, the conviction of the House of Commons, that much of the present peril, much of the public burdens, much of the grievances and consequent dissatisfaction of the most warlike and capable part of the population, are fairly attributable to a bad and narrow

policy—(*Hear, hear!*)—suggested by ignorant or wicked Ministers. Condoling therefore with the Regent on his being called in such a situation of things to the helm of the State, they should strenuously exhort him to reject such councils, and to resist such measures as by experience have been proved to be greatly disastrous, and which cannot be persevered in, but to the certain and utter ruin of the Empire.—It was his solemn conviction that the affairs of this country had now reached that degree of difficulty and danger, at which flattery and falsehood no longer could deceive.—Let their conduct be suitable to a period of such awful interest—let them adopt towards the Regent the language of truth, not of hypocrisy—tell him of the lamentable incapacity of his Ministers—that they possessed neither our confidence, nor that of the public—and that they were capable of suggesting no measures but such as they thought calculated to ensure their ill-gotten power, and gratify their miserable ambition. The Regent should be reminded, that they commenced their career by affixing an indelible stain on the national character, in their daring violation of the laws of nations, and by blasting the hopes and outraging the feelings of millions of his Father's subjects.—that they have since weakened and degraded the kingly office—deprived the Empire for months of an efficient Executive, and have, by their intrigues, shaken the very pillars of the Monarchy—that the period is critical—the danger imminent—the national calamities numerous—the pressure on the people nearly intolerable—that decisive measures, neither partial nor occasional, can no longer be deferred—neither should they yet abandon the hope of a secure and honourable peace, pledging themselves at the same time to the most vigorous prosecution of the war, should *sincere* attempts at peace on our part prove ineffectual, expressing their confidence that the resources of the country under sage counsel are equal to meet the exigencies of the moment. Let them assure the Regent that they will narrowly watch over the public expenditure, and that to shew their sincerity in the cause of general reformation, they were determined to begin by reforming themselves—and above all, to heal, if possible, the rankling wounds of the Irish, who have been uniformly neglected, insulted, and oppressed. They should not omit to declare their gratitude to the Regent, for accepting the Regency under circumstances so embarrassing and distressing. Whatever pleasure he should

have in avowing his confident expectations of the benefit likely to result from the Regent's government to the Empire at large, and particularly to Ireland, he must refrain from indulging in such declarations at present, lest they might subject him to imputations, of all others most to be avoided by a member of parliament. At the same time he could with truth aver, that such confidence was fully justified by, and entirely founded upon, the former acts of his Royal Highness, in defence and in behalf of what he was known to consider as a most valuable, but too much neglected part of the Empire. (*Hear!*) At a most critical and afflicting period, a few years since, without the knowledge of those for whom he interfered, he most strenuously and eloquently exerted himself in their behalf, by urging to the Minister of the day the adoption of soothing and conciliatory measures, offering himself to be the instrument for carrying them into effect. Those sentiments he felt fully satisfied could not have been since lessened, however much they might have been increased; and it was gratifying to reflect that the people of Ireland, the greater part of whom were ignorant to the full extent of their obligations to his Royal Highness, should have ever felt towards him the most disinterested attachment, the most entire devotion, of which they afforded a convincing proof on the melancholy occasion similar to the present, when the Irish Parliament, by the unanimous approbation of the people, conferred upon his Royal Highness with a generous confidence those powers which were denied him in his native land.—(*Hear, hear!*) Mr. Hutchinson then concluded a speech of considerable force and animation, by adverting to the total neglect with which the name and interests of Ireland had been treated this some time back in the speeches from the throne. Why was the name of Ireland omitted in every speech? Why such *industrious* neglect of a brave people, and their unmerited sufferings? He must say, that if the present Ministers had one principle to guide their conduct, it was that of contempt for Ireland. When an Irish member rose to demand redress for his injured country, his rising was the signal for a *laugh* from the Treasury Bench. (*Hear, hear!*) An honourable friend of his had met with an instance of such indecent levity no later than last night. He would rather be the object than the author of such indecency. (*Hear! hear!*)

Sir T. Tait expressed his regret that nothing had been

said in the Speech of the desire of the Regent, if possible, to bring about an honourable peace—the only legitimate object of all war. He would not pledge himself as to the transactions with regard to the Peninsula; but he did not indulge those expectations of success which some entertained. The contest might add to the glory of our arms, but nothing more he thought was much to be hoped for. Its termination would, probably, be the grave of our commercial prosperity, and of every thing but our honour. He had always maintained, that it was idle to contend with France on the Continent. We would soon have in our possession there, only Lisbon and Cadiz, and these must be preserved at an immense expence. He noticed an invocation in the speech of the mover or seconder, to support the government. He would support it as far as he conscientiously could, and always did—but the invocation was very unnecessary at present, considering the additional influence which the Administration would possess. But they had no claim to any particular allowance.—(*Hear, hear!*) It was a duty to watch every one of their measures, and to oppose them if pernicious; and that duty he would perform without any factious motives. He said this, that he might not be considered as pledged to assent to any thing of which he really disapproved. In all that had been said about attachment to the King and the Regent, he perfectly concurred. In a real feeling of attachment to both he would yield to none, though he would contend with nobody in professions.—(*Hear! hear!*)

## PORTUGUESE OFFICER.

*Mr. Canning* understood that his name had been mentioned last night, in reference to the imprisonment of a Portuguese officer. He then repeated what had been said on that subject, as he had collected it from the usual sources, (see the report of the previous night), and declared that he was entirely ignorant of any such transaction. If any foreigner had been brought here under such circumstances, the course would have been to have communicated the fact to the Secretary for the Home Department, who would then have the charge of the prisoner, and therefore the Foreign Office could not have been particularly connected with an imprisonment in Cold-Bath-fields. If the circumstance happened two years ago, it must have originated early in 1809. He went out of office in September or October in

that year. But he hoped the honourable Baronet would state names and dates, to see whether any thing of this kind could be traced.

*Sir F. Burdett* recapitulated the circumstances, and mentioned the name of the officer, which we could not distinctly collect, but it appeared to be Colville or Purville.

*Mr. Canning* called for the date of the origin of the transaction.

*Sir F. Burdett* could not mention the day or month, but only that it originated in 1809.

*Mr. Canning* recollected no such transaction; but inquiry ought to be made.

A gentleman in the department of the Home Secretary stated that inquiries were making.

*Mr. Whitbread* rose, but was called to order by a gentleman under the gallery, whose name we could not collect. *Mr. W.* said, that there had been a great deal of disorder upon this subject, but that he was not the author of it.

#### ADDRESS TO THE PRINCE REGENT.

The report of the Address was then ordered to be brought up.

*Mr. Whitbread.*—Although I concur in the opinion delivered by my right honourable friend (*Mr. Ponsonby*) last night, I am anxious to say a few words for myself on the subject of this Report. I agree in all those statements of the Address which relate to devotedness to the Prince Regent—to affection for the Sovereign—and to the sincerest wishes for his entire recovery. But I cannot help remarking, that some important points alluded to by the honourable Baronet near me (*Turton*), and others, have not been touched upon at all. In the first place, I join an honourable member who spoke last night (*Parnell*) in the surprise, that, considering the state of the times and the rumours that are abroad, no particular notice has been taken of Ireland; and that the only information we have as to the condition of that country is, that the Irish revenue has been deficient (*Hear, hear!*) But all the revenue appears to have been deficient; and yet the result of the whole is, that the revenue of Great Britain has been more flourishing in this than in any preceding year. This I leave to the gentlemen opposite to explain. With regard to America, I am glad to find that there is some probability of an amicable termination of our disputes with that country; and that, after all the blunders which have been committed—after all the disappointments which have

been experienced, there is at last an earnest desire and an anxious endeavour for conciliation. (*Hear! hear!*) I also wish, with the honourable Baronet near me (Turton), that when the efforts for our support of the war were touched upon, something had been put into the mouth of the Regent, expressive of his ardent desire that these exertions might terminate in a safe and honourable peace. On that point the Speech had been entirely silent, and so of course has been the Address; and thus we have been left to the prospect of interminable, and for this country in the end, annihilating warfare. (*Hear! hear!*) As to the campaign in the Peninsula, and the plan of that campaign, or the conduct of him by whom it has been executed, I can at present say nothing. I know nothing probably of many circumstances which might have influenced the proceedings of those who planned, and of him who executed; for it is impossible to form, out of the dispatches of the Commander, any thing like a history of these transactions.— This only we know, that the largest army ever sent from this country, has been conveyed to Portugal; that it has more than once marched over that kingdom—that it has suffered two towns to be taken without an effort to save them—that it retreated when the French approached—that it gallantly repulsed the enemy at Buzaco—that it was an object to save Coimbra, but that Coimbra was lost—and that afterwards it retreated within the lines before Lisbon, which stopped the pursuit of the enemy. I may be told that Lord Wellington confines the enemy within their present entrenchments; but this at least I may be permitted to say, that they keep him in check. I know the efforts that have been made to send out reinforcements, and the great expence which has been incurred in fitting out the troops for the purposes to which their exertions were to be directed, namely, to the achievement of a splendid victory, for nothing less than victory was to be expected from the uniform tenour of the Commander in Chief's dispatches. (*Hear! hear!*) All the time he was passing over, and, as some say, devastating the country, to render the enemy's pursuit impossible, or highly difficult, we were told, that if they escaped the sword, famine would do their work, and that the victory must belong to the allied forces. These hopes were not realised. (*Hear! hear!*) We have been often told, that the enemy possessed only the ground where he stood—we know how much we ourselves now possess.—

All these things, however, may be happily explained—all may be satisfactory—and it is possible, barely possible, that at last a brilliant victory may be the result. But in the mean time I must protest against committing myself on this subject, till I have better means of judging than I possess at present. In looking at the termination of the struggle in the Peninsula, I see no foundation for those brilliant, sanguine hopes, which some entertain, even though a victory should be gained by the combined forces; for I see that during the greatest diversions that ever were effected in favour of any nation, the Spaniards made no adequate effort to free themselves from the grasp of the French ruler.—He was once called away from the pursuit of our army; an army sent to Spain in that improvident manner which so often characterised the measures of the Ministers of that day; an army which for that reason suffered so much without any proportionate advantage, the commander too having perished, though his glory is immortal; from the pursuit of that army Buonaparte was called away to defend himself against the attacks of Austria, or, if you please, to be the aggressor in the Austrian war. Here was one opportunity for a great effort to drive the French from the Peninsula. There, however, they remained. Now we see, that, though the chief pressure of the enemy's force has been borne by the British and Portuguese forces, no adequate exertion has been made by Spain in her own cause. I admit the hostile feeling that exists in Spain with respect to France and its Emperor; but when these opportunities have been lost, I confess I cannot indulge the sanguine expectations with which some delight to flatter themselves, and which appear to be countenanced by the Address, and even by the Speech. There is in the Speech another most important omission—the state of the North of Europe. One of the gentlemen who spoke last night with so much eloquence in favour of the Address, told us that in Spain and Portugal we were contending for the throne of Petersburg. I shall not enter at length into that topic, but only observe, that during the campaign in the Peninsula, a friend, nay a favourite General of Buonaparte, has been silently sliding into the throne of Sweden—(Hear! hear!)—that he is now the Crown Prince; a station not gained by violence, but conferred by the free consent of the nation, which received him with every demonstration of satisfaction. This must shew us how impotent is that hatred of the French which

we have imagined to prevail to so great an extent, and on which we have rested so much—how impotent our friendship for the protection of our allies—how impotent our money against the gigantic power of Buonaparte! If it had been possible some years ago to foresee that the Ruler of France would have presumed to interfere with the succession to the Swedish throne; that he would even have proposed a favourite General, how often would we then have been told, that the gallant Swedes would never submit to such a violation of their freedom? But now we see the station of Crown Prince quietly taken possession of, and the throne ready to receive him whenever Buonaparte chooses, without the smallest symptom of any resistance from the people.—Sweden, our late ally, a power of so much importance in the North of Europe, is now against us. We may then, by our campaign in Spain and Portugal, defend the throne of hostile Russia; but the throne of friendly, subsidized Sweden, is completely gone. Was it proper to omit these things in a Speech, the object of which should be to give a fair and accurate representation of the most remarkable public events? If the seconder of the Address, sanguine in youth, had coolly considered these things, would he have spoken as he did of the terms upon which alone peace was to be expected? He told us, that no peace could be concluded till we had reduced the power of Buonaparte, and forced him to abate in his pretensions. What a prospect does the honourable gentleman hold out!—a prospect of interminable war. But such a war we cannot endure upon our present expensive scale. We may be told, as the honourable mover of the Address expressed it, of the plebeian apprehensions of those who augur ill from the failures of our merchants, and the stagnation of commerce. We may be called upon for continued exertions to support the war—for patient submission to continued burthens; but since our resources, be they what they may, must at this rate be at length exhausted, where is the foundation for the big talk so often resorted to in this House? An experience of four years must have convinced the right honourable gentleman opposite, that with a view to an endless war upon the present system of expenditure, instead of being all-powerful, we are all feebleness. I know the resources of the country—they are great, and I have no wish to undervalue them; but with the lavish profusion which has so

long prevailed, I am convinced we cannot go on beyond a certain extent. Though I think it desirable that the expedition to Portugal should not be recalled, since it has been at all sent thither, till it has become manifest to all that the object is unattainable, yet I would not pledge myself to persist even there in an unpromising and protracted contest. Another point of no small consequence has been omitted—the state of our Commercial Finance. This has been the source of much of that speculation to which many have fallen victims. I trust the operation of a measure, which was first suggested by necessity, and justified solely on that ground, though it is now defended as a system, will soon be stopped, and that an end will be put to that uncertainty and injustice of which it has been the cause. We were congratulated before the news of this day arrived, upon our colonial conquests. The Isle of France is certainly an important conquest—the most important of all our colonial conquests since the commencement of the war. As to our other colonial possessions, I think their value comparatively small, except it be considered as an advantage to have contributed, by the glut which they caused, to occasion those failures that produced the plebeian apprehensions to which the honourable mover of the Address adverted in his speech last night. It is but a poor consolation to our suffering merchants here, that those of France have been ruined.—As to the call for unanimity with which the honourable mover favoured us, I take it to be of the same kind with the calls before made on similar occasions, which deserve but very little attention, for they mean no more than this—Do you desist from opposition to the government which I support—abandon your own opinions, and come and adopt ours. Now, as I am not yet persuaded that all my opinions are wrong—that his Majesty's ministers, now the Prince Regent's, have always acted wisely; and that my opposition has been erroneous—if they proceed in the same course as before, I shall persist, without intermission or relaxation, in my opposition to their measures. I am glad to have disburthened myself thus far. Though I wished to be brief, I was anxious not to let the opportunity pass without saying a few words, lest the right honourable gentleman should, according to his usual plan, tauntingly tell me afterwards, “ You suffered this to pass without saying, No, on a former occasion, and why object now?” Much

more might be said on this subject, but here I leave it for the present.

*Mr. Perceval* spoke in substance as follows:—Considering what passed in this House last night, I own, that when I came here this evening, I had not the most distant expectation of the discussion which we have now heard. Indeed, I think, when the honourable gentleman who has just sat down shall come to reflect on the opening of his speech, he will be as much astonished as any of those who heard him, that he concluded it in the manner he did. For the right honourable gentleman (*Ponsonby*), who seemed to speak the sentiments of the House, declared that when he considered who was at the head of the Administration of the country, he should, if obliged at any time to find fault with any of the measures adopted during his Administration, in doing so, feel the greatest possible reluctance. When I recollect these circumstances, and when I recollect that the honourable gentleman in his outset declared that he perfectly coincided in opinion with that delivered by the right honourable gentleman (*Mr. Ponsonby*), I own I was not a little astonished, when I heard the honourable gentleman, who declared his concurrence in this manner, conclude with saying, that he will lose no opportunity of declaring his opposition to the measures of the present Administration. (*Loud cries of hear!*) The honourable gentleman declared, that he was induced to express his opinion on the present occasion, lest I might at any future opportunity taunt him with the observation, that when such an Address was proposed, he appeared to acquiesce in its sentiments. I will say, indeed, that however much the spirit and temper of the speech of the honourable gentleman may please many of those who are of his way of thinking, it is in direct contradiction to the sentiments of the Address, and to the speech of the right honourable gentleman with whom he professed to coincide. Although there are many topics in the speech of the honourable gentleman, on which I entertain a very different opinion from him, I shall on the present occasion abstain from mentioning many of them, from a wish not to disturb the unanimity that is so desirable on the present occasion; but there are some of these topics which I feel myself under the necessity of adverting to, and which I shall notice with all possible brevity. The hon. gentleman professed, that the great object of his rising was, lest from his silence

he should be considered as implicated in approving the measures which have been carried on in Spain and Portugal. Now the Address did not call on any person for approbation of any one of the measures which Ministers have thought fit to adopt in conducting the war in these countries; and no one can be precluded by his acquiescence in that Address from criticising, at any after period, the whole or any part of the campaign. There is in reality nothing like a pledge of approbation of any one measure that has been adopted. But when I say this much, and when I own I think it advisable that on such an occasion as the present, nothing like a pledge should be contained in the Address, I will freely confess at the same time; that in my own mind all the measures which have been adopted in the Peninsula are highly deserving of approbation; and that when the time shall come for the discussion of this subject, it will be found that the skill and ability with which these measures have been conducted, are as conspicuous as the policy by which they were dictated. The honourable gentleman has pointed out a number of particulars in the campaign, in which he has been disappointed. I own I am not astonished, that when the honourable gentleman has thought fit to collect opinions from others, and not from the Commander there, of a nature rather too sanguine, he should be disappointed in the event; but I maintain that he could not have collected these opinions from the noble Commander. For I think, if there is one thing more conspicuous than another in the noble Lord, it is the singular modesty and simplicity of his official statements. (*Hear, hear!*) Nothing of a vaunting or arrogant nature is to be found in his dispatches! (*Hear!*) If disappointment has been experienced in any case where that noble Lord has been concerned, it is the disappointment of the enemy; but surely there can be no disappointment of the rational hopes that any other person was at liberty to entertain. At one time the honourable gentleman declared it as his opinion, that every English soldier should have left the Peninsula. Does he, indeed, wish that the Peninsula should have surrendered without the glory of the last campaign? (*Hear!*) Does he wish that after the instances which we have seen of French cruelty, French treachery, and French insincerity, Britons should have had no share in the late struggle? (*Hear!*) Does he wish that Britons should not have made a stand in the only corner where it was possible

to make a stand against the common enemy of Europe? (*Hear!*) It is not indeed possible to predict what will be the issue of that contest; but on a dispassionate review of all the circumstances of the case, I own I see no cause we have to despond. (*Hear!*) We have, however, maintained all that we proposed to maintain; we have maintained Portugal, and in so doing we have rendered the most material assistance to the cause of Spain. The hon. gentleman has told us, that one reason why he desponds of Spain is, that on two occasions that country did not avail herself of advantages equally favourable as unlooked for, which we can have no hope will ever return. The one occasion was, when the French provoked Austria to hostility, and when, in consequence, the greatest part of the French forces were drawn from the Peninsula to Germany; and the other occasion was, the diversion afforded the Spaniards by Lord Wellington, of which no advantage was taken by them. Will any man venture to say, that if Great Britain had not employed so great a portion of her military force in the assistance of the Spaniards, that the case of Spain at this day would be any thing like the present? Sir, the honourable gentleman despairs of the cause of Spain. It may be indeed that more might have been done by the Spaniards in the cause of this struggle than what they have done: but let us do justice to so much as they have done; let us do justice to that nation which has done more than has been done by all the other nations of Europe since the commencement of the revolutionary war; to that nation which, though now for more than two years over-run by the armies of France, has never yet submitted to her foe, but is as unconquerable in mind and spirit as ever.—(*Hear!*) It is in these means and this determined spirit of opposition, that our hopes of that country are founded; it is by these means alone that an opposition to France can be maintained; and we trust that while she continues in that spirit, she will remain as invincible to France as ever. Will the honourable gentleman but consider for a moment, what would have been the consequence to Great Britain, if the Peninsula had ere this been under complete subjection to France? Let him consider of what consequence Cadiz and Lisbon alone would have been to France if in her possession. He who has always professed such fears for the removal of the battle to our own shores, will he only consider where, to such advantage, danger could be apprehended to this country and to Ireland, as from the ports

of Cadiz and Lisbon. And though the Peninsula should ultimately be conquered, when he considers how completely it was under subjection to France before the present war, and the advantages which were drawn from it, he will find it will be less efficient to the conqueror, when it shall be finally subdued, than it was previous to the contest. The Honourable gentleman has adverted to other topics—He says, that the observations respecting the revenue appear to him perfectly unintelligible; that it is said the revenue has fallen off in Ireland, and fallen off here, and yet is much more now than in any former year. I will tell the honourable gentleman, that the statement of the Speech is perfectly consistent—I will tell him, that the whole revenue of this country, received into the Exchequer, before the 5th of January, in this present year, 1811, for the preceding year, was greater than that of any former year (*Hear!*)—that there are between three and four millions of excess of difference between the last year, and the year ending in January 1809. What do you mean then, says the honourable gentleman, by your revenue being affected by the disastrous state of the commerce of the country? I will tell him, that particular branches of that commerce may have declined towards the latter end of the year, by which the revenue of that part of the year may have been affected; and yet it may be perfectly clear that upon the whole year there may be an increase of revenue. It is true, and cannot be denied, that the enemy has made an impression on the commerce of this country; but this impression, whatever it may be, can be only considered as temporary; and when I take into consideration, the skill, industry and capital of this nation, I have the best grounded expectations of our future prosperity, though particular channels of that skill and industry may for a time be affected. I think I may venture to state, therefore, that the general increase of the revenue, which decreased however towards the latter end of the year, may be expected to continue; though nothing can be said prospectively on such a subject with confidence. This subject is, I think, plainly enough stated in the Speech; but if it is not plainly enough indicated in the Speech, I hope the honourable gentleman will consider it to be so now. On the subject of America, I wish to say as little as possible. The honourable gentleman is, I think, not warranted in saying that a spirit of conciliation did not exist in his Majesty's councils towards that country till the present moment. There is no

greater conciliation manifest now than formerly. The councils of the country were always perfectly conciliatory towards America; and every thing was done which was thought could be done, to obtain a renewal of an intimacy with the United States, consistent with our own safety. And I believe that every thing will be done by the Regent in the way of conciliation; but while he is willing to concede every thing that ought to be conceded, he will at the same time keep sight of the preservation of those maritime rights for which this country has always contended. I do think indeed that those maritime rights which have been so long claimed by Great Britain, will not be renounced by her at present. I do not impute to the honourable gentleman that he would willingly be inclined to sacrifice any of the just rights of this country. No character could be gained by the nation which would not stand up in the defence of her rights, and no character could be gained by the individual who would advise and consent to their sacrifice. I will ask the honourable gentleman, and I will ask the House, if it would be proper that any notice should be taken of the expectation of peace in the Address? With what propriety could it be stated that peace at the present moment was possible to be obtained? No men would be more ready than Ministers, if any opportunity should occur when peace could with safety be made, to avail themselves of that opportunity; but they would merely mislead the Country, were they to hold out to them that any thing like such an opportunity had yet occurred. I think, indeed, that there are few individuals in the House who would be inclined to go along with an honourable baronet (Sir T. Tait), who spoke in the course of the evening, in the sentiments he uttered on that subject. The honourable gentleman says that we have declared that no peace can be obtained with the present Emperor of France, till he abate in his pretensions. It is but too true that till such an event no peace is to be obtained. What! says the honourable gentleman, and are you then determined to carry on an interminable war? If these professions be adhered to, what can follow but the inevitable ruin of Great Britain? (*Hear!*) What a prospect! continued the honourable gentleman. If it is a true prospect, however, why should that prospect be disguised to the country? The pretensions of the Ruler of France were nothing less than the ruin of this country; and till he abate from these pretensions, how can peace be obtained? And I will ask the

honourable gentleman if he sees any thing now in the conduct of that Ruler, which indicates that he has abandoned his hostile views, or that may lead us to believe that we may with safety accede to his demands. Among the other points of the speech of the honourable gentleman, he expressed his astonishment that no notice was taken in the Speech of the situation of this country with regard to Sweden. Nothing could be more natural than that Ministers, in the exercise of their discretion on that subject, did not think proper to advert to the situation of Sweden. When we reflect on what our former connection with Sweden was, and the manner in which that country was compelled to enter into subserviency to an enemy, it will, I think, be found, that forbearance with regard to that unhappy country is the principle on which we should act, so long as we can act on forbearing principles without danger to ourselves. The right hon. gentleman then proceeded by stating that it had not been deemed expedient, considering all the circumstances attending our relations with Sweden, and the forbearance with which our policy had been marked towards her, to make any allusion to that state in the speech of the Prince Regent. Neither did he conceive, and he was aware at the same time of the importance of the subject, that it was necessary to have made in his Royal Highness's speech any particular mention of the affairs of Ireland. (*Hear, hear!*) He knew that representations had been made, (for what purpose they could best tell who made them,) that the affairs of the sister kingdom were in the most unhappy and lamentable condition; he and his colleagues had been accused that night of treating that important part of the empire with a systematic neglect, or of never referring to it except in language of a degrading and insulting nature. He would put it to the candour of the House, if this was a correct statement, or if it could believe that he and his colleagues were such fools and idiots as to treat such grave discussions with an unworthy contempt, much less with that derision and even laughter which had been imputed to them. There were occasions probably when what had fallen from gentlemen of that country might have had a tendency to provoke the risibility of the House, but this was not to be construed into any failure on their part of duly appreciating the magnitude of those interests which were involved in the prosperity of Ireland. However his own views of the policy which it would be prudent to adopt respecting that part of the united empire differed from the

opinions entertained by the hon. gentleman (Mr. Hutchinson), and the difference was certainly great and obvious, no fair inference, he was confident, was deducible from that circumstance, that he had been at any time disposed to disregard or undervalue any topic connected with Irish affairs. When, however, the hon. gentleman went further, and averred that the Regent could not safely place confidence in the persons who now conducted the administration of the country, and that those persons neither possessed nor merited the confidence of the country, then indeed he would venture to ask, where could the Regent hope to find men who possessed it in a greater degree? (*Hear, hear!*) He believed no man or set of men enjoyed a greater portion of the esteem and confidence of the people, although the honourable gentleman (Mr. Whitbread) appeared by his laugh to think otherwise. He challenged that hon. gentleman, by any test or in any place, to controvert and disprove his assertions. The right hon. gentleman then concluded by apologizing for having so long trespassed on the time and attention of the House, which he said he had been induced to do by the introduction of the irrelevant matter which had been brought forward on the other side, and which it was impossible for him not to advert to.

*Sir John Newport* expressed his belief that the right hon. gentleman had misrepresented his hon. friend (Mr. Hutchinson). When his honourable friend had stated that the affairs of Ireland were treated by Ministers with systematic neglect, it was a statement which he was fully warranted in making. A noble Lord, who in his opinion had always had too much influence in the councils of Ireland, had not hesitated once to say, that the less which was said about that country the better. To him it appeared that, as a component part of the empire, it was entitled to respectful attention, an attention proportioned to the extent of its territory and resources. It had been stated to them by the right honourable gentleman, that the revenue of Ireland had been affected; were those terms, he would ask, descriptive of the fact? (*Hear! hear!*) Did the language fairly represent that a defalcation of between two and three millions had taken place in the revenue, and that it was at the present period unequal to the ordinary exigencies? When he looked also to the other features in the situation of Ireland;—when he saw her tranquillity menaced, and the military force greatly reduced;—when he knew too that many persons who had a

deep stake in the safety of that part of the kingdom, some of whom were in the constant habit of defending and supporting the right honourable gentleman, entertained the most serious apprehensions on the subject, he could not easily conceive a topic more deserving of the right honourable gentleman's gravity and attention.—(Here Mr. Perceval appeared to be engaged in conversation.) He was aware that he had no peculiar claim on his attention, and he had just afforded an additional proof of the carelessness of which he (Sir J. Newport) had accused him, as uniformly distinguishing him whenever the condition of Ireland was under discussion in that House. He did therefore again assert that the regard paid to Ireland by our Government was not proportioned to the weight and importance of so large a component part of the Empire; and he sincerely believed that much of the mischief that had happened in Ireland, much of that embarrassment and calamity in which she was involved, was owing to the loose and negligent manner in which its business was conducted in that House, and regularly deferred till the close of the session was approaching. Anxious as he was to avoid touching on any topic calculated to arouse feelings of irritation, he must be permitted to put in his claim to be heard in Parliament as an Irish representative, warmly interested in the welfare of his native country. He had no personal or distinct interest, and he would therefore maintain this claim. At such a period as the present, threatened as we were by an enemy far more formidable than had ever hitherto waged hostility against us, it was the bounden and peculiar duty of that House to attend to every complaint preferred from that quarter, to investigate every alleged grievance, and if they should prove delusive, to dispel the delusion by a fair and impartial inquiry. Then, instead of a drain and an incumbrance on Great Britain, as Ireland was rendered by the present system, we might proceed to husband her resources and to consolidate her strength, till the fortunate period should arrive when a firm and honourable peace might alleviate her burthens, and no longer retard the natural progress of her prosperity.

*Mr. Hutchinson* said he rose to express his hope, that words would not in future be put into his mouth which had never fallen from him, nor opinions imputed to him which he had never expressed. He had not said, as the right honourable gentleman (*Mr. Perceval*) attributed to him, that the Prince Regent should look elsewhere for his Minis-

ters, or should confide the guidance of his councils to other men. What he had stated, however, as in his judgment the most proper course for the House to pursue, was, that they should represent to the Prince Regent their firm determination to support the just authority of the Executive, and at the same time to express their conviction of the incapacity of his present Ministers. In reply to what the right honourable gentleman had observed in defence of the respect and attention which he was in the habit of shewing to discussions on Irish affairs, he lamented that he should be under the necessity of repeating the accusation, and of distinctly charging the right honourable gentleman with the most blamable and offensive levity.

The Chancellor of the Exchequer, and Sir John Newport, severally explained.

*Mr. Ponsonby* said, he rose only to notice one point in the speech of the right honourable gentleman, and it was that in which he had inferred from his (*Mr. P's*) observations on the former night, that his honourable friend (*Mr. Whitbread*) had contradicted himself, in first professing to concur with him, and in following that declaration with his subsequent remarks. Now he wished to be distinctly understood as having certainly disclaimed any wish or intention of making a systematic opposition to the Regent's Government, because though he should be sorry at any time to harass or impede the administration of the country, he should be particularly so when he reflected on the novelty as well as the difficulties of the Regent's situation. But these considerations were not to preclude him from the discharge of his duty, if he should find occasion for it, in opposing and condemning the measures of his Ministers (*Hear, hear!*). High as was his veneration for his Royal Highness, both for his private virtues and his constitutional sentiments; so congenial to those principles which had seated the House of Hanover on the throne of these kingdoms; this veneration would but operate injuriously if it prevented him from steadily resisting the unwise and dangerous policy of those who conducted the administration.

#### FOREIGNER IN CONFINEMENT.

*Mr. Whitbread* said he should take the opportunity, before the report was read, of alluding to what had fallen from an honourable gentleman (the Under Secretary of State for the Home Department) on the subject of the foreigner con-

fined in Cold-Bath-Fields. He could not help feeling much surprised that an inquiry which might have been made in five minutes, had not been made in the twenty-four hours that had elapsed since the honourable Baronet behind him had first mentioned the subject to the House.

*The Chancellor of the Exchequer* thought the honourable gentleman behind him had acted prudently in not making a partial or defective statement, but in reserving himself till all the circumstances of the case were ascertained.

*Mr. Whitbread* said, that it was the necessity of this long and minute inquiry of which he complained. Was there no record kept of such a transaction in the Office of the Home Department? Or was the right honourable gentleman to be permitted to shelter the Under Secretary of State when unable to furnish satisfactory formation?

*Mr. Yorke* observed, that the honourable Baronet (Sir F. Burdett) had confessed his own representation to be inaccurate. He had, however, inasmuch as the matter lay in some degree in his department, written to the officer who had brought home the foreigner, but who was at Yarmouth, and from whom he had not of course yet heard. He had learned, however, that the person in question had been apprehended as a spy, and conducted hither from Heligoland by a warrant from Lord Liverpool, who was not now in the Home department. He did not, however, consider this to be a proper time for enlarging on this subject.

*Mr. Whitbread* declared, that he was pleased to receive at least some information from the right honourable gentleman; but could not see, that because the head of an office was changed, the business of the office was to stop. He thought it highly creditable to the humanity of the hon. Baronet to have brought this subject forward; it was one in which he had no doubt the laws of the country had been wantonly violated, and the freedom of a human being causelessly impaired.

*Mr. Madocks* said, it appeared from what had passed this evening, that there was a great deal of truth in what had fallen from the honourable baronet (Sir F. Burdett.) He hoped, however, that the subject would not be allowed to pass without investigation; and was satisfied, as the House must be, that the honourable Baronet was entitled to thanks for the pains he had taken on the occasion, which was, unquestionably, of dangerous precedent.

The report of the Address was then brought up and agreed to, and the Address ordered to be presented to the Prince Regent by those who were of the Privy Council.—Adjourned.

## HOUSE OF COMMONS.

THURSDAY, FEB. 14.

### PRINCE REGENT'S ANSWER.

*Lord George Thynne* appeared at the bar, and informed the House, that the Address was presented to the Prince Regent, by the persons who were appointed; and that his Royal Highness had graciously returned the following answer:—

“GENTLEMEN OF THE HOUSE OF COMMONS,

“I thank you for your dutiful and loyal Address, and feel highly gratified by the expressions of regret and condolence you have used on the state of his Majesty's health. I experience additional satisfaction from the assurances of support you have given me, in the arduous undertaking in which I have engaged, and which can alone enable me effectually to conduct the government in the present difficult situation of public affairs.”

### HIGHWAYS.

*Sir John Sinclair* gave notice that on Monday he would call the attention of the House to the improvement of the Highways, &c. &c.

An account was ordered to be laid before the House of the surplus of the Consolidated Fund, independent of the four millions appropriated to the services of the last year, &c. &c.

### COMMERCIAL FINANCE.

*Mr. Horner* moved for accounts of the bank-notes in circulation, distinguishing the bank post bills, and the notes under 5*l.*; the amount of the dollars issued; the amount of the bullion imported; of the bullion and coin exported; of the bullion imported by the Bank; and the bullion purchased by the Bank from private dealers; of the amount of stamps for promissory notes; of the quantity of bullion and coin sent out of the kingdom during the last year, &c. &c.—Ordered.

*Sir J. Sinclair* asked, when it was proposed to bring forward the subject of the report of the Bullion Committee?

*Mr. Horner* stated, that he would, at an early period, mention the day on which he meant to bring it before the House.

*The Lord Advocate of Scotland* gave notice, that to-morrow he would move for leave to bring in a Bill to continue the Bankrupt Act in Scotland.

#### SUPPLY.

*Mr. Perceval* moved the consideration of that part of the Regent's Speech which related to the supply to be granted to His Majesty. It was resolved, that the House should to-morrow consider of this motion.—Adjourned.

### HOUSE OF LORDS.

FRIDAY, FEBRUARY 15.

Some papers were presented at the bar from the Commissioners for reducing the National Debt; papers also were presented from the Bank of England.

#### ADDRESS TO THE REGENT.

*The Earl of Courtoun* presented the answer of his royal highness the Prince Regent to the Address of their Lordships, which was received and read; and, on the motion of the Lord Chancellor, ordered to be printed.

#### INFORMATIONS EX-OFFICIO.

*Lord Holland* rose; and stated his intention to make a motion at an early period of the present session, for an account of the number of Informations filed *ex officio* by the Attorney-General. The Bill brought in recently by the Attorney-General, and passed into an Act, which his Lordship had unsuccessfully opposed, had given to such informations, consequences which did not before belong to them by the law. His Lordship took this early opportunity of giving his notice.—Adjourned.

### HOUSE OF COMMONS.

FRIDAY, FEBRUARY 15.

#### BULLION.

*Mr. Rose* expressed his satisfaction to learn, from what had fallen from an honourable and learned gentleman (Mr.

Horner) yesterday, that it was his intention to bring the report of the Bullion Committee under the consideration of the House. The public was much interested in the question, and he was sure it would not fail to prove satisfactory to the nation that it should undergo a discussion in that House. He should, with a view to that discussion, move for certain returns in addition to those ordered yesterday, to the production of which he did not suppose any opposition would be made. He should therefore move for the following accounts:—An account of all gold imported into this country from the year 1773 to 1778, both inclusive, distinguishing the ingots, bars, guineas, and foreign coins.—An account of the amount of bank notes in circulation in each month of the years 1761-2-3, 1781-2-3, and 1801-2-3, distinguishing each description of notes.—An account of the notes in circulation in each month of the year 1809.—An account of the highest amount of bank notes locked up in the Exchequer in each month of the year 1809.—An account of the amount of Bank of Ireland notes in circulation in each year, from 1800 to 1810 inclusive.—An account of the quantity of Corn and Grain imported into Great Britain, except from Ireland, from the year 1800 to 1810, both inclusive, distinguishing each year.—An account of the official value of all Exports from and Imports into Great Britain, from the year 1790 to 1809, distinguishing each year.—An account of the highest and lowest prices of Silver in each year, during the same term, and copies of all letters written by Secretaries of the Treasury to the Commissioners of the Customs in the years 1782 and 3, relative to putting the laws in force against the exportation of Coin.—All which accounts were ordered.

## COMMITTEE OF SUPPLY.

*The Chancellor of the Exchequer* moved the order of the day for going into a Committee on the motion that a Supply be granted to his Majesty.

*Mr. Creevey* rose to take that opportunity of calling the attention of the House to what he considered an intolerable grievance in the manner in which grants of public money and money bills were carried through that House. They all knew that grants of public money and redress of grievances formerly went on together. Of late, however, they had got into the habit of voting grants of money and proceeding with money-bills at late hours, and when the House

was exhausted with debates, and no discussion could take place. This he allowed was inseparable from the practice of discussing great public questions, which occupied so much of the time of the House during every session. But to whom was it attributable but to the Minister, who usually condensed public business within so short a period, that it was impossible to bestow the necessary attention upon every important question? Since the Union with Ireland, which added so much to the business of that House, they had much shorter sessions of Parliament than previously. The Minister, by clothing his grants of public money in ambiguous terms, could contrive to get them voted without objection, and could reserve his desperate cases to the close of the session, when it would be too late to make any effectual opposition to them. In illustration of this observation, he need only refer to what had happened last session. The bill for granting a million and a half to the East-India Company, and for the interest of which some taxes must be laid upon the people, passed through no one of its stages previous to the last, before one o'clock in the morning. In one of its stages there were no less than seven notices to precede it, and it was one of fifty orders of the day. The House must see, therefore, that under such circumstances it was impossible it could have been maturely or fully discussed. The last stage took place at an hour earlier than that at which public business commenced usually. He had intended to oppose it; but on coming down to the House at half past four, he was astonished to find that the Bill had passed at that hour. He had particularly noticed the members who attended on that occasion, and could take upon him to assert, that they were either Directors of the India Company or their servants, or Directors of the Bank, or persons in office; and that there were not six members of any other description then present. It was an intolerable grievance, he must contend, that they should thus choose their own time, and consult their own convenience, in bringing forward public business, without giving to members of that House an opportunity of delivering their sentiments. He considered it also a great grievance, that the miscellaneous grants were not more distinctly submitted to the notice of the House, so that members might come prepared for the discussion of them. Of this the grant to Lords Glenbervie and Auckland last session was a proof. No mention of the names was made in the notice of the

vote; and the grant itself was not brought forward till the last Committee of Supply, and when the Appropriation Act was far advanced in its progress. The demand for those two noble Lords was of seven years standing, and had been preferred to the government of the day, and that which succeeded it, and was refused by both. This accounted for its having been deferred to the end of the session. The Act of Appropriation, too, was generally hurried through without sufficient deliberation. As it contained all the grants of the session, it should certainly be more fully discussed. He had last session complained, that the emoluments of the great Tellers of the Exchequer, Lords Camden and Buckinghamshire, should be augmented by fees out of the taxes; but was then told he was too late. He trusted, however, that in the Appropriation Act of the present session, provision would be made, that these Tellers, if they had a freehold in their offices, should not derive, in future, any increase of emolument from fees upon public grants. He besought the House to consider the extent of power possessed by Ministers in consequence of the Appropriation Act. Though that House had voted Mr. Palmer's claims to be just last session, the Chancellor of the Exchequer, by leaving the grant out of the Appropriation Act at the end of the session, actually defeated the intentions of that House. The manner in which the grant to Lords Glenbervie and Auckland had been carried, shewed also how the Minister, if disposed to favour individuals, could accomplish that object, as well as in other cases he could frustrate the views of Parliament by means of this Appropriation Act. It appeared, therefore, to him desirable, that the matter should be referred to a Select Committee, to consider of framing some standing order, whereby members on looking over the order-book might be able to ascertain what particular grants or money bills were to be brought under the consideration of the House. It would otherwise be impossible to give the proper attention to such subjects. He had felt it necessary to say thus much upon this occasion, and indeed the right hon. gentleman himself (the Chancellor of the Exchequer) had admitted the propriety of some regulation on this head, and even intimated an intention to propose some arrangement on the subject in the present session.

*The Chancellor of the Exchequer* could not collect from the speech of the honourable gentleman, whether he meant by it to give notice of some motion during the present

session, or whether, having unfortunately neglected last session till it was too late to oppose the Appropriation Act, he was determined to take care that he should not fall into a similar omission in the present session. If he were to consider the speech of the honourable gentleman only as a notice, he should not, perhaps, have felt it necessary to comment upon it; but when he reflected upon the angry tone with which he had imputed it as matter of blame to the present Government particularly, that Ministers had the option of bringing forward public business at the time most convenient for them, he could not forbear making a few observations upon it. The circumstances to which the honourable gentleman had referred, proved that the case was in direct contradiction to his statement. Every honourable gentleman must know, that it was not in the power of Ministers to put off the discussion of public business to a late hour, when there could be no opportunity of mature deliberation, but in the power of those gentlemen, who, having given notices of motions, had by the usage of Parliament the precedence of the orders of the day. That was the true representation of the case; and it was owing to that cause, that the different stages of the Bill to which the hon. member had alluded were proceeded in at the late hour he stated. He concurred with the honourable gentleman as to the inconvenience resulting from this cause, and had it in contemplation to propose to the House an arrangement, which would give on certain days of the week a precedence to orders of the day, and leave on the other days of the week precedence as usual to notices. He had intimated as much last session, and as he did not think there would be much difficulty in forming some such arrangement, he should take an early opportunity of proposing it. Having stated thus much on that point, he should shortly advert to some of the topics mentioned by the honourable gentleman. The honourable gentleman complained that the miscellaneous grants were not more distinctly specified, so as to enable the members of that House, to come prepared to the discussion of them: and the honourable gentleman particularly selected the grant to lords Glenbervie and Auckland, which, from the manner in which he spoke of it, the honourable gentleman seemed to intimate as an instance of concealed favouritism towards the objects of the grant. But he must remind that honourable gentleman, that when an objection was started to that particular grant,

on the ground that further time was necessary, the discussion of it was immediately deferred. Numberless cases of a similar description might be quoted; and every honourable gentleman at all acquainted with the mode of proceeding in that House, must be aware, that according to the constant practice, whenever any objection happened to be made to any particular grant in the miscellaneous services, that grant was uniformly deferred, unless in cases where the service happened to be urgent, and any delay would be injurious. It often was the case, that some part only of the grant was voted in order to allow time for ascertaining the propriety of voting the whole: so that complaint of the honourable gentleman against the Government, or rather against that House, was unfounded in fact. The grants, when voted in Committee, were necessarily reported afterwards, when they might again be discussed: so that, so far from not being distinctly notified, ample opportunity of discussing them was afforded. Besides, they might be again discussed in the Committee on the Appropriation Act, and afterwards upon the report of that Bill. It was not fair, then, to the House, for the hon. gentleman to state, that there was not sufficient time or notice for the discussion of the grants, when they might all be fully canvassed in four or five different stages. As to the imputation of favouritism, secret favouritism, he had only to observe, that one of the noble Lords was not a member of Parliament at the time of the grant, and could, therefore, not be expected to requite the favour in the manner insinuated by the honourable gentleman; and if his object had been to practise favouritism towards the other noble individual (Lord Auckland), there was nothing in the subsequent conduct of that individual, to shew that he had gained any thing by the transaction. He knew not by what governments the grant had been refused, but he knew that the government which preceded the present had resolved to accede to the grant (*No, no, no, from the Opposition*): so at least it had been represented to him. He had stated the same thing last session, without being contradicted. The lateness of bringing forward the grant arose from the circumstance of the commission having only then terminated. If he had not thought the grant right, he should not have proposed it to the House, even though the late Administration might have determined on conceding it. He knew of no political connection between himself or his friends, and either Lord Auckland or Lord Glenbervie, that could make

these objects of favouritism. As to the case of Mr. Palmer's demand, he had only done what the honourable gentleman himself, or any other honourable member, had the power of doing. He thought the demand ought to have been granted, and therefore had moved that it should be left out of the Appropriation Act. The right honourable gentleman, concluded by giving notice, that he should early in next week propose the arrangement of which he had spoken; and which would, he was persuaded, be a benefit to all classes of members in that House.

Lord Folkestone contended that it was perfectly competent to any member, on the question then before the House, to state, as his honourable friend had done, any grievances of which he had to complain. The right honourable gentleman had said, that he could not understand whether in the speech of his honourable friend, he meant to give notice of a motion, or to intimate what his conduct would be in the present session, respecting the miscellaneous grants and the Appropriation Act. Upon this point, however, his honourable friend had been most particularly guarded. As to the charge of having expressed himself in an angry tone, he left it to those who had heard both to decide, which of the two, the right honourable gentleman or his honourable friend, was more liable to it. With respect to public business, so much of it was crowded together towards the end of the session, that it was impossible for any one to know what time any particular measure would be discussed. He, in common with several other members, had felt the inconvenience which necessarily resulted from this cause. The Bill to which his honourable friend had alluded, had been passed an hour and a half before the usual time of proceeding with public business. The statement of his honourable friend was, he contended, borne out by that of the right honourable gentleman. He believed that the right honourable gentleman was taken by surprise, as much as he had taken the House by surprise, with respect to the grant to Lords Glenbervie and Auckland. If the right honourable gentleman had taken the trouble to make inquiry upon the subject, he would have found, that the preceding Administration had taken this grant into consideration, and then rejected it. As to what the right honourable gentleman had said with respect to his conduct in leaving the grant of Mr. Palmer's demand out of the Appropriation Act, that he had done then only what

any honourable member might have done, he should just ask, whether any gentleman who should think it fit to exercise his right in such a way could be sure that he would succeed? Every person who attended to the manner in which the business was conducted in that House, must well know that it was actually impossible to give the proper portion of attention to all the important measures brought under its consideration. The statement of his honourable friend, therefore, was highly valuable; not as against the present Minister particularly, but in reference to the conduct of all descriptions of ministers. The right honourable gentleman had undoubtedly intimated his intention to propose some arrangement, with a view to remedy the evil; and when his proposition should be brought forward, he trusted it would meet every attention from that House.

Mr. *Whitbread* concurred in the statement of his honourable friend behind him (Mr. *Creevy*), which was well worth the attention of the House. He rose, however, not for the purpose of adding to that statement, but in order to put the House upon its guard against any unnecessary innovation as to its established forms and rules of debate. They should take good care, that in endeavouring to remedy one evil, they might not fall into one more serious. He was ready, in justice to the right honourable gentleman, to admit, that he had last session intimated his intention to propose some arrangement of the description he had stated that night, of giving to the orders of the day, on certain days of the week, precedence of notices. The House should well weigh the probable or possible consequences of such an arrangement, before they should give in their sanction. He was not inclined to charge the members of parliament of the present day with being more corrupt, more negligent of their duty, more indolent and languid, than the members of former Parliaments. They should cautiously adopt any arrangement or innovation which might have the effect of dissolving the House. The precedence which notices hitherto had been suffered to possess, gave an interest to the business of the House, which was sure to procure an adequate attendance. If that interest were to be taken away, they could not be perfectly sure that the routine business of Parliament, however important, would insure a proper attendance. The precedence of notices arose out of the right of members to make any motion upon the sudden; which right, when

members consented to wave, they were compensated for by the precedence of notices. According to the practice of Parliament of late, a great part of the most important business was huddled together towards the close of the session. If there had been no union with Ireland, the public and private business to be attended to by Parliament had been doubled. The duties of Parliament ought to be more laborious than at present, if they were to be well performed. And here it was that the blame was altogether imputable to Ministers, who put off Parliament whilst they had a shilling in the exchequer; and who never thought of assembling it, until they could no longer go without money. In the language of the times, they put off the evil day as long as they could. He could well remember when, before the Union with Ireland, if Parliament was not assembled before Christmas, gentlemen were apt to complain. Of late years, it had been the practice not to assemble Parliament till after the Queen's birth-day. There had been, indeed, a few exceptions. If it had not been for the indisposition of the King, no man, he was convinced, could suppose that Parliament would have been convened at the period it met before the end of last year. If the business of Parliament had so considerably increased, the duration of the sessions ought to be proportionably lengthened. He had himself experienced, what had also been felt by other honourable members, an indisposition on the part of the House—disgusted, no doubt, and exhausted by previous debates—to afford an attentive hearing on the most important business so huddled together at the end of the session. If the House met now later than formerly, they should sit longer. There was no necessity for the Ministers to advise his Majesty to prorogue Parliament by any particular day. He should also add, that insufficient attention was paid to Irish subjects, insomuch that it was almost impossible for any honourable member to obtain a hearing when offering to speak upon them. He had only one more observation to make, and that was, that he should most strongly protest against any innovation that would give precedence to orders of the day before notices.

*Mr. Wynn* said, that this charge had not been made against any particular administration; but that the general complaint was, that business of the first consequence was deferred to the last moment, at which time it must of necessity pass, even though it should be without discussion.

The House then resolved itself into the Committee of Supply. On the motion of the Chancellor of the Exchequer, a supply was granted, and the report was ordered to be received to-morrow.

*Mr. Wynne* gave notice, that it was his intention to move on an early day for copies of all the Warrants under the Sign Manual, since the 6th of October last ; and that on the same day he should move for leave to bring in a bill for the better discovery of bribery and corruption in the Election of Members of Parliament.

The *Chancellor of the Exchequer*, in answer to a question from *Mr. Ponsonby*, said, that he would lay the Army Estimates before the House on Monday, and move to have them taken into consideration on an early day.

*Mr. Horner* moved, that there should be laid before the House the copy of the communication between the Lords of the Treasury and the Bank of England in 1772, together with the opinions of the Attorney and Solicitor General, respecting the laws prohibiting the exportation of gold and silver bullion.—Adjourned.

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## HOUSE OF LORDS.

MONDAY, FEBRUARY 18.

An Appeal from the Court of Session in Scotland was proceeded in, relative to the copy-right of Burns' Poems. The Appellants, Messrs. Cadell and Davies, and *Mr. Creech* of Edinburgh, having applied to the Court of Session for an Interdict, to prevent *Mr. Robertson*, of Edinburgh, from publishing those Poems, and damages, on the ground that they possessed the copy-right, were refused on the ground that the work was not entered at Stationers' Hall. *Mr. Adam* was heard for the Appellants, and the Lord Chancellor having stated the law upon the subject to be clear, the Decree of the Court of Session was ordered to be reversed and an Interdict to be issued.

CATHOLICS OF IRELAND.

*The Earl of Moira* said, he should be without excuse in the eyes of the country, if he did not call the attention of the House to the subject to which he was about to advert. Their Lordships would no doubt all anticipate that he was

about to allude to the very extraordinary measure which had recently been adopted in Ireland, in issuing circular letters to the Magistrates, to prevent the meetings of the Catholics. Every one who had lived in any society in this metropolis, must recollect the surprise which was occasioned by the sudden departure of Mr. Secretary Pole to Ireland, and the various motives which were assigned for that sudden journey. The motive of that journey now appeared, in the measure to which he had alluded—a measure, then which it was difficult to conceive any one more impolitic or more irritating to the feelings of three-fourths of the population of Ireland. He was certain that the previous sanction of the Prince Regent had not been obtained to this measure—and he would give Ministers their choice of one out of two branches of an alternative, either of which must tend most strongly to the condemnation of their conduct—either at the time of the departure of Mr. Secretary Pole for Ireland, they were certain of being continued in office by the Prince Regent, or they were not. If they were, they acted most unfitly and improperly (to use no stronger terms,) in taking the advantage of the period before the Regent was sworn in, to resort to such a measure without having the decency to consult his Royal Highness upon a measure which so deeply implicated his government. If they were not certain of being continued in office, and expected that they would not be allowed to remain the Ministers of the Regent, then he could only compare their conduct to that of incendiaries, who set fire to the house they were about to leave, because they were not to be allowed to inhabit it. In the absence of information upon the subject, it was difficult to understand what had led to the adoption of a measure which, under the peculiar circumstances of the moment, was so extremely impolitic. The circular letter to the Magistrates referred to the Convention Act; but from any thing that appeared in it, they were left to conclude that it merely related to a contravention of the letter of that Act. If the measures of Government were merely to consist in pointing out and prohibiting what was contrary to the letter of an Act of Parliament, Cabinets might as well be composed of Old Bailey Solicitors. It surely was acting very little like statesmen, to content themselves with pointing out and prohibiting what was contrary to the letter of an Act of Parliament, instead of studying the temper and disposition of a people, for the purpose of guarding against those measures which could only tend to

irritate and inflame, and above all, considering in what manner they could best conciliate the affections of a people. But why was the Convention Act thus referred to for the purpose of preventing the meetings of the Catholics?—an Act which had passed long before that Union at which the pledge and assurance was given that the claims of the Catholics should be conceded. It was no small part of the impolicy of this measure, that the Catholics were particularly designated as a class at whom the orders issued by Government were particularly pointed. If such a measure had even become absolutely necessary, ought not obvious policy and common sense to have dictated to them to have refrained from mentioning the Catholics as being particularly designated? Might not the letter or the order have been so framed as to have had all the effect desired, without wounding the feelings and irritating the minds of the Catholics?—Another branch of the extraordinary impolicy of this measure, was the retrospective effect given to the measure. Was it not enough, even in the view of those who issued this letter, to declare their determination for the future, without involving in one common threat of punishment, acts done for years back, and which had the tacit sanction and permission of Government?—If these orders were to be carried into effect according to the retrospective operation thus given to them, one half of the population of Ireland would be thrown into gaol. To resort to such a measure, under the peculiar circumstances of the moment, and thus to irritate and inflame three-fourths of the population of Ireland, displayed the most extraordinary impolicy—that if no fears were entertained at home, were they only to look within?—Must they not anxiously look to the preparations of the enemy, who was only watching a favourable opportunity to make the attack?—of that enemy who had recently placed a French Prince on the throne of Sweden, and who had his advanced posts at the very gates of our Empire, ready for the assault?—Was such a period the moment to irritate the inhabitants and disaffect the garrison?—He did not mean to say, that there might not be a justification for the measure to which he had alluded, but at present no information had been given to shew what had led to its adoption. He trusted that such information would be given, and, at all events, it was fitting that the Circular Letter to the Magistrates of Ireland should be laid before the House; for which document his lordship concluded by moving.

*The Earl of Liverpool* said, he felt very little embarrassment at the alternative put by the noble Lord for the choice of Ministers, the facts being—that the journey of Mr. Secretary Pole to Ireland had no connection with this measure, or any circumstances supposed to be connected with it; that no previous sanction or instructions from hence were given for the measure; and that the Ministers of his royal highness the Prince Regent were wholly ignorant, until Thursday night, that such a measure had been resorted to. From the information however transmitted from Ireland, although it was not so complete as might have been wished, yet he was satisfied that the government of Ireland were fully justified in the steps they had taken, it appearing that there was a deliberate and systematic plan for the violation of the law; to prevent which violation of the law, by carrying this plan into effect, the measure alluded to had been adopted. He had no objection to the motion of the noble Lord, provided another document was also laid before the House, namely, the Circular Letter issued by the Secretary of the Catholic Committee at Dublin.

*The Marquis of Lansdowne* was glad that no sanction or instructions had been given by Ministers for this measure, and felt a satisfaction greater than he could express, with a view to the future hopes of Ireland, at learning that this measure had not emanated from the Prince Regent. He wished, however, to be informed whether the document which the noble earl (Liverpool) proposed to lay before the House, was all the information that was deemed by Ministers requisite to prove the intention to violate the law, which the noble Earl had mentioned, or whether there existed any other documents which tended to prove that intention.

*The Earl of Liverpool* stated that he could not see any objection to produce the document alluded to by the noble marquis (Lansdowne). The very issuing of it went to maintain the position that he had previously stated, namely, of a deliberate and systematic attempt to violate the law in Ireland.

*Earl Darnley* considered the very ignorance of the extraordinary order of Mr. Secretary Pole, avowed by the noble Secretary, a most full and decided crimination of the Government to which he belonged. It had long been a subject of lamentation with him, to find the affairs of Ireland

not only ill understood by that House, but almost refused investigation both by Ministers and Parliament. The time was now arrived when these concerns forced themselves on the attention of Parliament; and he sincerely trusted that such an important subject would receive the full inquiry that it merited. The noble Earl concluded with giving a notice of a motion for the production of some Accounts relating to the expenditure of Ireland.

*The Earl of Limerick* rose for the purpose of pronouncing his decided condemnation of the statement advanced by the noble earl (Moira), that the Union was accomplished on the ground of relieving Ireland from the oppressions of the Irish Parliament. He had the honour of having sat in that Parliament, and was therefore not a little surprised in not hearing the details of those oppressions to which the noble Earl had alluded. It was true, that the noble Earl had some years ago formed opinions on the affairs of Ireland, which the consequent events must have convinced him were erroneous. Had he now entered into those details of oppressive conduct with which he (Ld. Moira) charged the Irish Parliament, it would have been his duty (Earl of Limerick) to have met him on each point; and most confident he was that the result would fully establish the successful exertions of that body to uphold the Constitution, and maintain the connection of Ireland with this country.

*Lord Holland* observed that it was fortunate his noble and gallant friend (Earl of Moira) had not gone into a discussion of those details of oppression with which the Irish Parliament were chargeable; because, had he done so, the House, from the avowal of the noble Earl who last addressed them, would have been engaged in a debate wholly unconnected with the subject now before it. Whatever was his opinion of the character of the proceedings of that Legislature, it was unnecessary for him then to declare—that character he would leave to history to appreciate—and in referring it to history, sure he was, that as to many parts of the conduct of that Parliament, he could not consign it to severer chastisement.—(*Hear! hear!*) He would, however, refer the noble Earl (Limerick) to those persons who were most particularly engaged in carrying the measure of Union into effect; and if he should think proper to consult them, that noble Earl would find that the repeal of those Acts, which he (Lord Holland) and his noble friend (Moira) considered oppressive, but which by all were considered to be

at least odious to the people of Ireland, was one of the main encouragements held out to procure the acquiescence of the Irish people—an encouragement to which the accomplishment of that measure was to be particularly attributed. Having said thus much in answer to the speech of the noble earl (Limerick), he also begged leave to express his satisfaction at the answer given by the noble Secretary, namely, that the Government of this country were ignorant of the issuing of this extraordinary order—and that they were not in possession of any previous knowledge of the state of Ireland which could have rendered such a line of public proceeding necessary. That answer, given to his noble friend's question, he had heard certainly with satisfaction, but without surprise; for, though not bred or disciplined to place any considerable degree of confidence in the Administration of the noble Lords opposite, he could hardly bring himself to believe that any description of men in this country could have practised such abominable duplicity and deceit, as to have advised such a course of proceeding in Ireland as the Irish Government had now adopted, without having first communicated such intention to his royal highness the Prince Regent, and stated the necessity and determination, in the Regent's Speech to both Houses of Parliament. There remained, however, another question, which he felt it his duty to put to the noble Secretary—it went to obtain an answer more explicit and full than the House could be in possession of from what had already fallen from him. The noble Secretary had talked loudly of the necessity of upholding the law, and preserving the public tranquillity in Ireland, and had expressed his conviction that the Irish Government had exercised a wise and justifiable discretion. He (Lord Holland) was therefore most anxious to ascertain whether, in making those statements, the noble Secretary had merely delivered his opinion as a Member of Parliament, or whether it was intended by them to convey to the House that the sanction of the Administration of which he was a part, was given to the measure of the Irish Government subsequently to its being made known to them; and if that sanction had been given, he (Lord Holland) wished also to be informed whether such sanction had been communicated under the pleasure of the Regent—in a word, he was desirous to learn from the noble Secretary, whether he, or any of his colleagues, had, since the first receipt of the intelligence from

Ireland, made any official communication to that Government of their sanction of its late proceeding? Under the present circumstances of the case, he would abstain from any further observations, thanking his noble and gallant friend (Earl Moira) for having directed the attention of the House to such a momentous subject. Every branch of the empire were indebted to him for such conduct; Ireland naturally looked up to him for his advocacy and support.—*(Hear, hear!)*

*The Earl of Limerick* rose to return his thanks to the noble baron (Holland) for his unasked advice; he, however declined the reference to which he was recommended. He would, in answer, appeal for the propriety of his own observation to the whole body of the loyal part in Ireland.

*The Earl of Ross* said, that he felt convinced that there was no intention on the part of the Irish Government, in enforcing the provisions of the Convention Act, to prevent the Catholics from petitioning Parliament. It was to be considered that there was a deputation of ten delegates from every county, and some from the principal cities of Ireland, about to assemble in Dublin, to the amount of 858 members, holding as it were another Parliament, and convened to do—*we know not what.* *(Hear! from Ministers.)* He asked, if Government could go on if such assemblies could be held, no matter for what objects? He was far from being disposed to think harshly of the Catholic body; but the Irish Government must be supported. Besides, he was by no means sure that the enforcement of this Act would create amongst the Irish the general sensation which seemed to be apprehended. It was to be recollected, that there was a great difference of opinion in the Assembly of the Delegates. He did not know whether he might not be permitted to read, as part of his speech, a report which he held in his hand, of the proceedings of the Assembly of Delegates on the 2d of February. The proceedings of that Assembly had hitherto been regularly reported, in the same manner as the debates of either House of Parliament in this country. It appeared from that report, that Mr. Keogh, a gentleman who was well known to possess a considerable portion of influence in that body, made a motion, that the General Committee, having exceeded the powers with which they had been entrusted by the aggregate Committee, should be abolished. Mr. O'Connell then addressed the Chair, and the object of his speech was to

shew, that such a question ought not to be put by the Chairman. Upon this occasion Lord French was reported to have said, in speaking of the Committee, "You are appointed for a special purpose, and your commission is at an end." A division then took place, *ayes 13, noes 24.*—This shewed, that perhaps those Committees had by no means the confidence of the majority of the Catholics, who might not disapprove of this interposition on the part of the Irish Government. He repeated his conviction, that the Government, in taking this step, had not done it with the intention of preventing the Catholics from petitioning.—(*Hear!*)

*The Earl of Buckinghamshire* trusted that their lordships would not do so much injustice to the Irish Government, as to conclude, before they were in possession of the circumstances which may have rendered the measure resorted to necessary; that the measure was in itself unjustifiable. The fairer presumption was, that the Irish Government had not determined upon that proceeding without good and sufficient reasons. Allusion had been made to the Irish Union, and he had heard that night what he had never before heard, that the repeal of the Convention Act was one of the conditions required by the Catholics for their consent to the Union. Among many other reasons which he had for doubting this was, that that Act was but a declaratory act, declaring the law before existing; for the purpose of giving all parties fair notice of the illegality of their proceedings; and when the Catholics were about to hold a Convention at Athlone, at a former period, when the times were so critical, that the Irish Government thought it advisable to enforce the provisions of the act of parliament.

*The Earl of Donoughmore* said, he rose to claim, on the part of that great portion of the strength of the empire, the Catholics of Ireland, that mere justice which the noble Lord had asked in behalf of the Irish Government. He admitted that they should not condemn that act of the Irish Government before they were informed of the grounds upon which it might hereafter be attempted to be justified; but if their lordships were required to suspend their judgment upon the conduct of the Irish Government, he did not know with what consistency they could be called upon to presume the Catholics to be guilty. (*Hear!*) I am not (said his lordship) prepared to state here, in my place,

as a member of this House, that this act of the Irish Government is an improper act; I wait the information which may perhaps in some degree extenuate it, which may possibly justify it. Giving my opinion as a private individual, I frankly avow that I do not think it can be justified; but yet I do not feel myself warranted in censuring it parliamentarily, because I have not had that cognizance of it, upon which parliamentary opinion should ultimately rest. (*Hear!*) Let me not, however, be thought to be unfairly predisposed against this act; in saying what I have said, I do not prejudice this act; I feel towards it all that constitutional jealousy which a strong act of power should at all times call forth. (*Hear!*) So far, if this be prejudice, am I prejudiced against it. The noble Lord (Rose) has favoured us with extracts from a report of the proceedings of one of the Catholic Committees; to what purpose? To justify the Irish Government. Their conduct in this instance is not now before your lordships. (*Hear!*) The question now is, not whether the proceeding itself be or be not justifiable, but whether we ought to inquire into it at all; and upon this I presume your lordships will have little hesitation; therefore my noble friend will excuse me, when I say, that what has fallen from him would, in my judgment, have been better said when the subsequent question upon the proceeding itself shall come before your lordships. But even then, I doubt very much if such evidence will be thought applicable, or even admissible. Were it even consistent, it is nugatory; but it is not only futile, but contradictory. Your lordships are told, at one moment, that the alleged dissensions of the Catholics justified this measure; and at another, that their deliberate and systematic perseverance in the violation of the law, had made it necessary. But insinuations of even a less liberal motive had been thrown out; the real object of those meetings had been darkly hinted at, with a mischievous air of mystery. The real object of the Catholic is his avowed one—to obtain the restoration of indisputable rights. His legal and constitutional demand of them ought not to be rejected with such insulting suspicions. (*Hear!*) Standing here as the person selected by the Irish Catholics to present to your lordships their claims upon your justice, I should ill deserve the high honour they have conferred upon me, if I could patiently bear their motives misrepresented, their principles mis-stated, and their views and general character

abandoned to suspicions as gross as they are groundless.— (*Hear!*) So much for that great and injured body, whose rights should find an advocate in every sincere friend to the prosperity of this country; and as to the Irish Government, it is before us that an extraordinary act of power has been resorted to. We are bound to inquire why it has been so resorted to, and more especially after we have heard from a Cabinet Minister in this House (Lord Liverpool), that such act of power has not had the previous sanction of the Prince Regent or his Government. (*Hear! hear!*) If this be so, it will be the bounden duty of your lordships to trace this measure to its true source. I now sit down, once more solemnly deprecating that mad and blind policy, of catching with avidity at every opportunity of traducing the Catholics of Ireland, and aggravating injury by insult.— (*Hear! hear!*)

*Lord Redesdale* thought it extraordinary that the noble Lord (Ross) should have been arraigned for having quoted in favour of his view of the subject the authority of one of great consideration among the Catholics themselves, to prove that the Committee were exceeding their powers. He was convinced that the proceeding which had called for the interference of the Irish Government was contrary to the sentiments of the majority of the Catholics themselves. He was convinced that the majority of the Catholics wished the laws to be preserved inviolate. He was persuaded it would appear that the Government of Ireland were not only justified in what they had done, but that it would have been criminal in them to have permitted a meeting which was clearly in direct violation of the laws of the land. He believed that its conduct would, when fully explained, meet with the decided approbation of the majority of the Catholics themselves.

The motion was then put and carried; and also that for the Circular Letter to the Secretary of the Catholic Committee adverted to by the noble Secretary of State (Liverpool.)

#### IMPRISONMENT FOR DEBT, &c.

*Lord Redesdale* called the attention of the House to the Bills which he had submitted to their lordships in the course of the last session. The first was to enlarge the sum for which persons could be arrested on *corpus procorpi*; the second was to establish a permanent provision for the relief

of Insolvent Debtors; and the third had for its object to provide for the recovery of Small Debts, upon the constitutional principle of legal practice, namely, the intervention of a Jury. The first had passed that House, but had been sent to the other so late that it could not be passed there before the prerogative. The second had not passed that House; and the third had been merely offered to their consideration. In the hopes that this last would be brought forward in another place, where it might be more convenient that it should commence, he would not at present press it upon the attention of their Lordships. With respect to the Bill for the relief of Insolvent Debtors, he would now submit that to the House. He had to a certain extent now modelled it, but not very materially. His object was to establish a single officer, to give him a Court—and entrust him with the administration of the whole law on that subject. Some might differ with him as to the number: but the more he considered the subject, the more he was inclined to prefer a single Judge. But as there might be grounds for appeal, he proposed that there should be a Court of Appeal for this single purpose, consisting of one Judge from each of the Courts of King's Bench, Common Pleas, and Exchequer, to be appointed by these Courts themselves; which would secure the attention to the convenience of the Courts, and to the due execution of this duty, while it would keep the whole within the principles of the established law. The Bill, he stated, had been framed upon the various bills brought forward for the relief of insolvent debtors, adopting the principle of the law of *cessio bonorum* as it was established in Scotland, Holland, and other places. He moved the first reading of the Bill, to enlarge the sum for which a person could be arrested for debt on *mesne* process.

Lord Moira could not allow this opportunity to pass without remarking how much the country was indebted to the Noble and Learned Lord, for the attention he had paid to this subject. Certain he was that there was no other subject upon which his talents and industry could be employed more important to the interests of the community, and he was happy that he had called the attention of the House to it in this early period of the Session.

Lord Holland also congratulated the House, that this measure had been so early brought forward—for he was convinced there was nothing so disgraceful to the justice of this country as the state of the law between creditor and debtor.

Some circumstances had come to his own knowledge—circumstances which, perhaps, he might at a future period bring before the House; so abominable—so revolting to the common feelings of justice and humanity, that when their Lordships were fully aware of them, it was impossible they could resist the conclusion, that something must be done. The subject was most important, too, as connected with the state of the prisons. Persons being sometimes, in direct opposition to the principle of the Habeas Corpus Act and of Gaol Delivery, confined in the Houses of Correction here, which were not liable to the gaol delivery, and remaining there from month to month, and, for any thing that was known, from year to year, without the benefit of investigation and trial. He was most happy that it had fallen to the lot of the noble and learned Lord to bring forward these bills. If the thing could have been effected by great knowledge, by powerful eloquence, and active humanity, it would have been done long ago by the efforts of his noble friend near him (Earl Moira). But he most cordially agreed with the noble and learned Lord in this, although he differed from him on most subjects, and he rejoiced that the matter had fallen into his hands. That noble and learned Lord had certainly not been subjected to the imputation of a love of innovation, which had often been the answer to the most important improvements, when coming from a different quarter. He hoped that to him, at least, no such objection would be made, and that at last the measure would succeed. The subject was one of the very greatest importance, and there was no way in which their Lordships could raise themselves to such an advantageous height in public opinion, as by a strict attention to measures calculated to promote the welfare and happiness of the community. He hoped the noble and learned Lord would persevere, and not suffer himself to be decoyed by others, to put off this measure, under any pretence, to the close of the Session, when it might possibly be, for the present, entirely defeated.

The Bills relative to Arrests, and to the relief of Insolvent Debtors, were then read a first time, and ordered to be printed.

#### CAPITAL PUNISHMENTS IN REVENUE CASES.

*Lord Grenville* could not help congratulating the House on the manner in which public business was now brought forward there. Instead of waiting, as formerly, in listless

inactivity, till it was brought before them all at once, at the pleasure of the Minister of the Crown towards the close of the Session, when it was utterly impossible that their Lordships could discharge their duty to their own satisfaction. He was happy, however, that now measures of the greatest importance had been brought under their consideration at this early period of the session. It was on the same principle that he thus early called their attention to another subject of much interest, though of less importance, perhaps, than those which had already been submitted to their consideration. It would probably be recollected, that two years ago, he had moved for an order upon the Judges to prepare a bill for consolidating into one Act, all the offences subjected to capital punishment for breach of the Revenue Laws. A custom had been introduced of enacting the infliction of capital punishments in new Bills with reference to old laws, many of them, perhaps, not generally known. It was to put an end to this shocking custom that their Lordships had made the order to which he referred, with the further intention that no future imposition of the penalty of death should be permitted, unless the offence for which it was to be inflicted should be at the same time clearly and distinctly stated. The Judges had prepared the Bill, and discharged their duty. Their Lordships had appointed a Committee to investigate the business, but he was afraid his own illness had prevented the matter from being brought to a conclusion. He now therefore moved, "That a similar Committee should be appointed, to ascertain what provisions were necessary to be continued and enacted, in regard to this subject—that the Bill prepared by the Judges should be referred to them, as well as the proceedings in the former Committee—that the same Lords should constitute the Committee—and that it should meet on Wednesday ;"—all which were agreed to.

Adjourned.

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## HOUSE OF COMMONS.

MONDAY, FEB. 18.

### CAPITAL PUNISHMENTS.

*Sir S. Romilly* gave notice, that he should on Thursday submit to the consideration of the House a proposition on the subject of Capital Punishments; also on the subject of Penitentiary Houses. *Sir Samuel* then moved, that an hum-

ble Address be presented to his royal highness the Prince Regent, requesting that he would be pleased to order that there be laid before the House an Account of the number of Prisoners ordered to be transported to New South Wales since the last return.—Ordered.

#### CRIMINAL INFORMATION EX-OFFICIO.

*Lord Folkestone* gave notice that he should, on an early day, move that there be laid before the House the number of Informations filed *ex-officio* by the Attorney-General since the date of the Act authorising that mode of proceeding. He had come down to the House day after day, expecting to have seen the Attorney-General in his place, intending to have put to him a question as to a person who had been lately convicted of buying guineas at more than the usual rate or value; and to this subject also he should take an early opportunity of calling the attention of the House.

#### IRELAND.—CONVENTION BILL.

*Mr. Ponsonby* rose to put a question to the right honourable gentleman opposite, on a subject which he conceived to be at this moment of the most vital import to the British Monarchy. The subject to which he alluded, was the state of Ireland, and the matter to which he wished more immediately to call the attention of the House, was a paper purporting to be a letter from the Chief Secretary of Ireland to the Sheriffs and Chief Magistrates of that part of the kingdom, relative to the meeting or calling together of the people of that country. The question which he wished to put to the right honourable gentleman on this subject, was, if before the step alluded to in that letter had been resorted to, the pleasure of the Prince Regent had been taken on the subject; and if the documents had been communicated to the Prince Regent, which, in the opinion of Ministers, justified them in resorting to such a step? He did not wish to press the business at present, and should not now urge it beyond the explanation he had applied for.

*Mr. Percival* said, he could have no difficulty, nor even the slightest objection to give the answer demanded of him by the right honourable gentleman opposite. The letter alluded to by the right honourable gentleman was as new to him (*Mr. Percival*) on Thursday last, as it could have been to the right honourable gentleman on Friday. Not only was such a step on the part of the Irish Government perfectly

unknown to him (Mr. Perceval) and his colleagues on this side of the water, but they were, till Thursday last, entirely ignorant that the meeting referred to in the letter had assumed that character or appearance to render it necessary to resort to such a step. Having said so much, it was not necessary for him to go farther, than simply to state, that though the Government of Ireland had thought it necessary to proceed under the authority of the Convention Act, he (Mr. Perceval) and his colleagues in England had no doubt that they had acted with a wise and prudent discretion. Having said this, it would be superfluous to add, that no knowledge or concurrence of the Prince Regent could have been had on the subject; nor had any previous consent been given by him to the issuing of the letter in question.

*Mr. W. Ward* asked if it was the intention of Ministers to lay before the House any document to satisfy them of the propriety of the conduct adopted by the Irish Government in this emergency? Was it their intention, for instance, to submit to the consideration of the House the letter of *Mr. W. Pole* on this subject?

*Mr. Perceval* said he could have no objection to any gentleman's moving for the production of the letter alluded to, if he thought it material.

*Mr. Ward* gave notice that he should move for said letter on Thursday next.

*Mr. Hutchinson* asked, if the Government in this country, after they understood that such orders as those alluded to had been issued by the resident Government of Ireland, had done any thing, or what had they done, to remove any misconception that might have arisen as to its being the intention of Government to prevent meetings of the inhabitants of Ireland to complain of grievances? It had been his intention to move for the repeal of the Convention Laws. He should not now give notice of any motion on the subject; but if the same impression remained on his mind as that which he at present entertained, he should do so on an early day.

*Mr. Giles* gave notice of a motion, on an early day, relative to the Militia.

#### IMPEACHMENT OF MINISTERS.

*Mr. Whitbread* stated that he should, on Monday next, bring forward so much of his motion of which he had

already given notice, as went to a search of the Lords Journals on the subject of the examination of the Physicians relative to the state of his Majesty's health. And on that day he should name an early day for bringing forward the ulterior part of his motion.

#### POPULATION OF GREAT BRITAIN.

*Mr. Rose* obtained leave to bring in a Bill for taking an account of the Population of Great Britain, and of the increase or diminution thereof.—He afterwards brought in the Bill, which was read a first time.

#### SLAVE TRADE.

*Mr. Brougham* gave notice, that he should on Thursday sc'night move for leave to bring in a Bill, pursuant to the Resolution of the last session of Parliament, for the more effectual Abolition of the Slave Trade.

### HOUSE OF COMMONS.

TUESDAY, FEBRUARY 19.

#### FOREIGNER IN COLDBATH-FIELDS PRISON.

*Lord Folkestone*, in the absence of the honourable baronet (Sir Francis Burdett) who first introduced the subject to the notice of the House, wished to learn whether, now that a week had elapsed, the Secretary of State was prepared to communicate to the House the particular information relative to the foreigner so long confined in Cold-bath-fields prison?

*The Chancellor of the Exchequer* said, that the inquiry had been commenced, and was at present in a state not proper to be communicated to the House. He, however, gave notice of his intention to bring it forward in Committee on Thursday next.

#### IRISH CONVENTION BILL.

*The Honourable Mr. Ward* stated, that as no objection was intended to the production of the circular letter of Mr. Secretary Pole, and that of the Secretary to the Irish Catholic Committee, it was his intention not to wait for Friday, but then to move that such documents should be laid before the House. He at the same time wished to

know, whether the Chancellor of the Exchequer was willing to produce any other communications which the Government might have received on that subject?

*The Chancellor of the Exchequer*, in answer, observed, that he had no objection to the immediate production of the two documents alluded to. Government had certainly received other communications from Ireland; but he abstained from giving any answer on that point, until the honourable gentleman made a more specific statement of his object,

*Mr. Tierney* felt anxious to know whether the two papers alluded to, were the only ones on the subject in the possession of the Government, or if there were not others which, consistent with the public interest, could not be produced?

*The Chancellor of the Exchequer* stated, that Government had certainly received other dispatches referring to that subject, from the Administration of Ireland.

The motion for the two documents was then agreed to—*Mr. Ward* reserving to himself the opportunity of moving, on a subsequent day, for the production of such other papers as he should think necessary.—Adjourned.

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## HOUSE OF COMMONS.

WEDNESDAY, FEBRUARY 20.

### BULLION COMMITTEE.

*Mr. Vansittart* desired to know of the hon. gentleman opposite, whether he meant to found any motion on the Report of the Bullion Committee, and if so, when he meant to bring it forward?

*Mr. Horner* said, that it certainly was his intention to move for some legislative measure on the report of last session. If the right hon. gentleman opposite did not consider that there were already sufficient documents before the House, on which to form an opinion, he was competent to move for what he thought deficient. For his part, he thought there were already sufficient; and when the time came, he should submit his measure. Since, however, there were so many papers ordered which had not yet been brought forward, he could not be ready to make his motion till after his return from the circuit, which would be about the second week in April. At that time he would move for

leave to bring in a Bill to remove the restrictions with respect to the issue of specie. He might have brought this measure on before, but a right hon. gentleman had moved for very voluminous papers which had not yet been presented.

*Mr. Rose* said, that the hon. gentleman need not delay on account of the papers which he had moved for, as they would be ready in a few days. Even although these papers were deferred, he would acquiesce into the measure on rather short information than protract it any longer, as it was of such importance.

*Mr. Horner* disclaimed any idea of wilfully causing the delay. The accounts which the right honourable gentleman had moved for might be soon ready, it was true; but then it would take time to consider them, and see, after their production, whether more were necessary.

#### SALE OF GUINEAS.

*Lord Folkestone* had for some time expected to see the Attorney-General in his place, that he might ascertain from him the information which he had sought, a few days since, with respect to the state of the prosecution against a person of the name of De Yonge. In his absence, he desired to know whether any of the honourable gentlemen opposite could give him the information he required. Unless he obtained an answer to his question, he must seek what he wanted by a motion.

*The Chancellor of the Exchequer*, in the absence of the Attorney-General, was really not able to give an adequate answer to the question of the noble Lord.

#### COMMITTEE OF SUPPLY.

*Mr. Yorke* said, he rose for the purpose of moving what were usually termed the Wear and Tear Estimates for the Navy. As those estimates were the same as last year, he should not enter into any detail. The number of seamen voted last year amounted to 145,000, including 30,000 marines. The same number would be requisite now, though from our successes in the Indian seas some diminution might be expected. This was, however, overbalanced by the preparations of the enemy in the North of Europe, and in the ports of Holland. An alteration had been made last year in the mode of the estimate, by which the Victualling department was kept separate. He should propose a

similar principle now. He then moved for the grant of 145,000 seamen, including 31,400 marines; and stated, that the seamen of last year actually exceeded the estimate.

*Mr. Whitbread* said, that last year the establishment for the Navy had been considered too extended, and that it was considered one of the points on which a retrenchment was necessary. He could not help remarking the statement now made by the first Lord of the Admiralty with respect to the increase of our enemies' naval force in the ports of Holland. It was another proof of the waste of blood and treasure in the Scheldt expedition: They had been told that the basin of Flushing had been destroyed, and yet now an equal number of seamen with what had been considered as too large last year was demanded. He would only make this remark now, and would remain silent until the time for subsequent discussion came.

*Mr. Yorke* said, that the number of our seamen could not now, in his opinion, be safely reduced. With respect to the Scheldt expedition, he confessed that it had not completely succeeded; but still it had been of much service to us, by enabling us through the destruction of the basin of Flushing to refit and refresh our ships. The basin at Antwerp was unfinished, and the enemy were obliged to moor their fleet above it, with much danger from the ice, and much benefit to us, as they must necessarily be some time in coming down the river, and so give us notice of their intentions.

*Mr. Whitbread* said, he did not know what information the right hon. gentleman might be possessed of; but he (*Mr. Whitbread*) well remembered that a very active, zealous, and intelligent officer (Commodore Owen) had, on his examination at the bar of that House, declared, that in his opinion not one ship or seaman less would be wanted in consequence of the demolition of the basin at Flushing.

*Mr. Yorke* said, that by that demolition we were enabled to keep our fleet in the Downs, instead of having them off the mouth of the harbour of Flushing, which was a great relief to our seamen, and a very great saving of the wear and tear of the ships; and that, from the information the Admiralty had received, it was ascertained that no ship of the line can at present lay secure in the basin, whatever may be the case with vessels of a smaller description.

*Mr. R. Ward* and *Mr. Whitbread* each said a few words after which the Chairman put the question on the several

following votes, which were respectively agreed to, viz:—  
 3,345,075*l.* for the Wages of Seamen and Marines.—  
 4,453,000*l.* for Victualling.—3,575,000*l.* for Wear and  
 Tear.—659,756*l.* for Ordnance for the Sea Service.

*Lord Palmerston* (Secretary at War) then moved the following sums on account of the Army, which were severally agreed to, viz:—3,000,000*l.* for the Land Forces.—3,000,000*l.* for the Militia.

*Mr. R. Wharton* then moved the following sums to pay off Exchequer Bills, issued in the course of last year, viz:—10,500,000*l.*—1,500,000*l.*—8,500,000*l.*—and 107,650*l.* to pay off annuities granted during the same period.

The report was ordered to be received to-morrow.

*The Chancellor of the Exchequer* moved, that the Army estimates be printed.—Ordered.

#### SALE OF GUINEAS.

*Lord Folkestone* said, that seeing the Attorney-General in his place, he would beg to ask him, whether it was his intention, in the case of *De Yonge*, for the illegal sale of guineas, to proceed against the defendant?

*The Attorney-General* said, he believed the case stood for argument in the same way as other matters of a similar nature did.

*Lord Folkestone* wished the hon. and learned gentleman to say whether he meant to bring it on.

*The Attorney-General* said, the matter remained with the Judges. It was a question reserved for their opinion; and whenever they should signify their pleasure to have it brought on, his Majesty's law officers would be ready to argue it immediately. He thought it necessary to mention, that there was another case of a similar description which also stood for argument; and he supposed those who had given the noble Lord information as to the case to which he had alluded, could also tell him how that stood likewise.

Adjourned.

#### HOUSE OF COMMONS.

THURSDAY, FEB. 21.

##### COMMITTEE ON THE SCOTCH CREDITORS BILL.

*Mr. Abercromby* desired to know from the learned Lord opposite, how long he intended the present Bill should endure?

*The Lord Advocate of Scotland* said, that he intended it to endure for the period of seven years.

*Sir John Anstruther* recommended that it should be limited to two or three years, instead of seven.

After a few words from Mr. W. Dundas,

*Mr. Abercromby* moved, that the words "two years" should be substituted for "seven."

*Mr. Horner* said, that it was the opinion of many legal and commercial men in Scotland, that some alteration ought to be made in the Bankrupt Law as it now stood; he voted for the amendment.

*The Lord Advocate* was content to admit the Amendment, but expressed his intention of continuing the Bill after that period.

*Mr. Horner* said, that the right of bringing in this Bill had been ceded by courtesy to the person filling the office of Lord Advocate: but if the learned lord continued to neglect his duty to Scotland in this respect, it was competent to himself, or any other person in the House, to take it on himself.

*The Lord Advocate* said, that the learned gentleman had no right to assume this lofty and dictatorial strain with him; he had left his own country, and could not of course be so well informed on the Scotch law as those to whom he had thought himself entitled to dictate. He would now concede the point of the seven years to two; but at the end of that time, he would pursue his own plan, unless some better than any of late projected was offered.

*Mr. Horner* denied having deserved the rebuke of the learned Lord, with whom he differed, not on a point of law but of fact. He must repeat his charge against the learned Lord of constant indolence and neglect with respect to this Bill, which had only been ceded to him officially.

*The Chancellor of the Exchequer* defended the Lord Advocate from the imputations of Mr. Horner, who was not warranted in making them, even by his own confession. He hoped the learned Lord would consult his own judgment on the subject.

*Mr. Abercromby* defended the charges against the learned Lord; who, he contended, had now for three different sessions, come down to the House with the same tale, that the Bankrupt Bill should be improved, yet he took no one efficient step to do it.

*Mr. Adam* thought there was something gained by the consent to the amendment. He hoped that there would soon be some permanent measure to prevent suitors obtaining at a great expence only a temporary remedy. The report was ordered to be brought up to-morrow.

#### CONDUCT OF THE IRISH GOVERNMENT.

*Mr. Ward* wished to ask the right honourable gentleman whether the two papers already moved for, contained all the information relative to the motives and circumstances which had induced the Irish Government to enforce the Convention Act?

*The Chancellor of the Exchequer* had no objection to answer the question as often as it might please the honourable gentleman to put it to him. He had already answered three or four different times, and he now again answered in the negative. (*A laugh.*)

*Mrs. Ward* said, that he had received the answer in a private communication with the right honourable gentleman, and was anxious to have it thus publicly, in order to found upon it his notice of moving to-morrow such other papers as he might between this and then think necessary to be called for—and he now gave such notice for to-morrow.

#### THE PRINCE REGENT'S HOUSEHOLD.

*The Chancellor of the Exchequer* rose for the purpose of advertng to a former notice he had given respecting the Household to be provided for his Royal Highness the Prince Regent. It might be recollected, that in the course of the discussions on the Regency Bill, he had alluded to the course which, in his opinion, would be the most eligible for the House to pursue in the establishment of the Regent's Household. He had accordingly been preparing to submit a plan which, by the temporary reduction of the office of the Chamberlain, would enable the country to provide and maintain such an establishment at the low rate of 12 or 15,000*l.* When his Royal Highness was pleased to signify his determination of continuing in the service of the Crown the persons then carrying on the Government, he (*Mr. Perceval*) felt that it became his duty to lay the plan of a Household before the Regent; but upon an audience with his Royal Highness, he learned that his Royal Highness remained fixed in a perfect determination of adhering to his former sentiments upon that subject. For the nature of those

sentiments his Royal Highness was pleased to refer him to a learned and honourable friend of his opposite (Mr. Adam). By him he had been informed, that from the moment that he (Mr. Perceval) had first communicated his intention respecting the course meant to be pursued by him in regard to the Household, his Royal Highness had communicated to that learned gentleman his determination not to add to the burthens of the people by accepting of any addition to his public state as Regent of the United Kingdom. (*Hear! hear!*) He felt satisfied that neither that House nor the public would have felt any indisposition in contributing to the expence of the due support of the state and dignity of the Prince Regent. (*Hear!*) At the same time, the country would not be backward in duly acknowledging this instance of self-denial on the part of the Prince; (*Hear!*) and his Royal Highness could not fail to find that such refusal will, in point of fact, throw round his character and station more real splendour than could be borrowed from any pageantry, however brilliant (*Hear, hear, hear!*); that external magnificence, calculated to dazzle the vulgar gaze, and catch the giddy admiration of the populace, the Prince did not hesitate to sacrifice to those solid good qualities which have long since won, and promise to secure to him, the affections of the people. (*A general cry of hear, hear!*) Having stated these circumstances to the House, it was of course scarcely necessary for him to add that it was not now his intention to submit to them any such plan; and he had now only to call upon the learned gentleman to whom he had alluded, to corroborate such part of the statement as his knowledge enabled him to say was accurate, or to correct any misstatement into which he might have inadvertently fallen.

Mr. Adam accordingly rose, and confirmed the statement of the right honourable gentleman, which he pronounced to be so accurate as to relieve him from troubling the House with more than his confirmation of it. He said, that previous to the day on which the right honourable gentleman moved his motion in that House, his Royal Highness had delivered into his hands, copies of the letters from that right honourable gentleman to the Prince, and of the Prince's answer, accompanied with written instructions to him (Mr. Adam), requiring him, in case any thing should be stated relative to the establishment of an additional household for the Prince, to state on behalf of the Prince, that it was his Royal Highness's wish to discharge the duties of a temporary Re-

gency without adding unnecessarily to the burthens of the people—and that he must; therefore, decline the intended establishment; such he knew to have been his Royal Highness's determination in the question of a temporary Regency. In case, however, of such circumstances occurring as might lead to a permanent Regency, he conceived that the question would then be open anew to the consideration of his Royal Highness. He added, that he had had long opportunity of becoming minutely acquainted with the views and intentions of his Royal Highness respecting his domestic economy, and that his determination in this particular instance, was but conformable to the principles which had governed his Royal Highness's conduct; it was not then a time to go into a detail of such circumstances, but whenever the opportunity should come, he would be enabled to give the House the most satisfactory information on this head.

#### COLVILLE, THE PRISONER IN COLDBATH-FIELDS.

*The Chancellor of the Exchequer*, pursuant to notice, moved for the appointment of a Secret Committee to inquire into the circumstances which led to the detention of — Colville, now a prisoner in the House of Correction, Coldbath-fields.

*Lord Folkestone* thought that the inquiry should not be confined to the detention only, but should extend to the circumstances which led to the capture; if what had been rumoured respecting his capture was true, it would be a disgrace to the national character.

*Mr. Percival* said that the original complaint was not only on account of the manner in which this man had been taken, but also the mode of his treatment since his imprisonment. He was however glad to find that the charge of bad treatment was now altogether abandoned. The taking, however, ought not to be censured in such unqualified terms, till it was known whether this person had been taken as an open enemy or as a spy. The noble Lord would be able to satisfy himself, as he intended to propose that the noble lord should be one of the Committee.

*Mr. Yorke* said, that having himself seen Lord George Stewart, he was enabled to contradict the statement that had gone abroad, of his having invited Colville to dinner. The noble lord, however, (Folkestone) would have an opportunity of examining before the Secret Committee.

The motion was then agreed to, and the Secret Committee

formed thus:—Mr. Robert Dundas, Sir Francis Burdett, Mr. Charles Long, Mr. Williams Wynn, Mr. Wilberforce, Mr. Deicaster, Sir Arthur Pigott, Lord Folkestone, Mr. Bulmer, Mr. George Ellis, and Mr. Lamb.

## EAST-INDIA-AFFAIRS.

*Mr. Creevey* rose, pursuant to notice, to move for papers relative to transactions, both civil and military, in the East Indies. He had last year moved for several documents respecting some extraordinary trials in the Courts of Law, at Madras, in the years 1808-9, to which no return had been made. He now proposed to revive his former motions, and also to call for new documents. It was necessary especially that the military concerns to which he alluded should be distinctly elucidated, that it might be clearly seen where, if anywhere, blame ought to rest. In the first place, any one might see that the suspension of Major Bowles, on account of his obedience to the commands of his superior officers, was the immediate cause of the agitation which prevails in the Madras army. This case had recently been considered by the Indian government here, and the consequence of the inquiry was, that Major Bowles was restored. Such being the result of the inquiry, the obvious inference was, that the conduct of Sir G. Barlow could not have been regarded as in every instance correct. The next prominent feature in these transactions was, that by an order of Sir George Barlow of the 1st of May, certain officers had been suspended upon an *ex-parte* inquiry. They, too, had appealed to the Directors. He would abstain from calling for any document on this point for the present, reserving to himself the liberty of proceeding hereafter according to circumstances. The only other subject connected with the military transactions to which he would that night call the attention of the House, was the trial of several officers by courts-martial. After the suppression of this unfortunate rebellion, the government of Madras selected for trial by court-martial Colonels Bell, Storey, and Duncan—and as the opinions of the Courts-martial were so much at variance with those of the Government, it was proper that the House should have documents to enable it to decide upon that question. This much relative to the military transactions in the Presidency of Madras. With regard to the other case, certain trials at law, which took place at Madras in 1808-9, he must again say, that they were of a most extraordinary nature, and ought not to be

passed over without inquiry and explanation. He had before moved for documents on this subject; but as it was one of great importance, he would shortly state the outlines of the case as they had come to his knowledge. It was well known that a certain sum, five millions, had been set aside by the East-India Company to answer the just and legal claims upon the Nabob of Arcot. Claims to the amount of thirty millions were preferred upon this five millions, and suspicions were naturally entertained that vast numbers of them were false. Commissioners were appointed to examine and ascertain the real and *bona fide* debts.—A certain number of gentlemen at Madras, interested in this business, being *bona fide* creditors, and acting in behalf of *bona fide* creditors, instituted a prosecution against a native of the name of Reddy Row, for forging one bond, and for a conspiracy with respect to another cash transaction, involving the foulest perjury. Reddy Row was convicted by juries of Englishmen, upon all the charges. But the extraordinary part of the transaction was, that Sir George Barlow identified himself with Reddy Row, and directed notice to be given Mr. Maitland, a justice of the peace, to Mr. Roebuck, an officer high in the government service, and several others, individuals of the first respectability, prosecuting in behalf of the *bona fide* creditors, that if they presumed to interfere they would subject themselves to the serious displeasure of the Government. Authority was besides given to the Advocate-General, Mr. Anstruther, to defend this Reddy Row, and an order was made to defray his expenses from the funds destined for the payment of the real creditors. The first thing done by Sir G. Barlow, in execution of his threat, was to remove Mr. Roebuck, who had been thirty-six years in the service of the Company, from Madras and his connections, without stating any grounds for this proceeding, though earnestly applied to for that purpose. He was removed at the risk of his life to a distance of 500 miles, to a most unwholesome situation, with less than half his former emolument, and in a few weeks after Mr. Roebuck in fact died. The magistrate who committed Reddy Row was also removed from his office: a third was sent to England against law; and from each of the Juries who convicted Reddy Row, some were selected and sent to a distance of hundreds of miles, with far inferior situations to those they held before, and the duties of which they were incompetent to discharge. Sir ——— Strange, the Judge at Madras, seconded

the efforts of the Governor. He gave it as his opinion, that the Commissioners might still pay the bond, though found to be a forgery, and sent to this country a recommendation of pardon for Reddy Row. The pardon was granted; but in its voyage out to India, fresh matter had come out, conclusive as to the character and objects of this gentleman, who at last thought proper to relieve the anxiety of his friends by administering to himself a dose of poison. If the facts bore him out in this statement, he would ask if ever there was a stronger case before the House?—(*Hear, hear!*) It was needless for him at this time to mention what further proceedings might be requisite—but he would now say, that if these facts bore him out, he would move for the recall of Sir George Barlow, as necessary to clear the character of the nation. He concluded by moving for several papers relative to these transactions, to the production of which he understood there was no objection.

*Mr. Charles Grant* never heard a more aggravated statement of any case than that now laid before the House.—When the papers were produced, it would appear how very much the circumstances had been distorted. He would in a few words state his view of it. It was well known, that for 30 or 40 years back the Arcot debts had been a source of corruption. When the Company took the territory into its hands, it was thought but justice to ascertain what claims there were upon it; and a commission was appointed; a branch of which sat here, and another at Madras. Before the arrival of Sir G. Barlow, at Madras, a large manufacture of forged bonds had been carried on, and the bonds were publicly sold. The law officers of the commission were directed to make inquiries, with a view to check this evil; and a case of forgery, by one Conpasab Brahmince, a native notorious for his want of character, a prosecution was determined upon; and an application made to the Government, after the arrival of Sir George Barlow, for the assistance of its law officers to carry on the prosecution. This was granted; upon which Brahmince turned round, and commenced a prosecution against Reddy Row, who had been thirty years a servant of the Company, and of whose assistance the Commissioners had availed themselves. *Mr. Maitland*, himself a creditor, took the evidence against Reddy Row, and refused to take it in the other case.—Under these circumstances, the Government thinking the

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prosecution against Reddy Row to have originated in malicious or interested motives, ordered him to be supported. The whole settlement was divided into parties respecting this business; and by one of them the conduct of the Government would of course be represented in its very worst light. Mr. Roebuck had been removed not only for this interference, but for his factious conduct in other respects. (*Hear! hear!*) The place to which he was removed was on the sea-coast, and very healthy; but he was an old man, above sixty, and in bad health before his removal, which accounted for his death, without ascribing any thing to the effects of a noxious climate. Maitland had been removed, because unworthy of office, as would appear from the papers, when laid before the House. The Government had no object but to support the cause of justice against faction. With regard to courts of law, the Directors had taken no notice of any thing, except the conduct of its own servants. As to the death of Reddy Row, from whatever cause it arose, it was entirely unconnected with the case of the bonds. The Commissioners had reason not to be satisfied with him, and dismissed him, in the exercise of their discretion. He only requested that the House would suspend its judgment till the papers were produced. As to the military transactions, if the last session had been longer, all the documents on that subject would have been then produced. They would soon, however, be brought forward, and, he hoped, considered with a degree of attention suited to their importance. On a subject where so many individuals and interests were concerned, there would be a great deal of prejudice. But the Indian Government wanted nothing but to have the whole investigated; and the more gentlemen considered the documents, the more reason they would see to distrust a great number of stories that were circulated by individuals. He had no personal connection with Sir George Barlow. He had only corresponded with him as an officer of the government; but he viewed the great lines of his conduct as entitled to the highest approbation. Although in a situation of such difficulty, some of the minor steps might have been faulty, yet he had no doubt but Sir George Barlow had done a great service to the public—a service, which even men of considerable merit could not have rendered. It was a mistake to suppose that this business had originated with the suspension of Major Boles. The origin of it was much more remote, but the

whole would be before the House, and he trusted gentlemen would take the trouble to examine it thoroughly. They would find it well worth their labour, and in the mean time he only requested a suspension of their opinion.

*Lord Folkestone* agreed with the last speaker, that the matter ought to be investigated thoroughly, and without prejudice; and he would have said nothing at present, had it not been for one or two inaccuracies into which the honourable gentleman had fallen. With regard to Roebuck, was it consistent with the eulogium the honourable gentleman had pronounced upon Sir George Barlow, to admit that this Governor had removed an old sickly man from his connections and comforts without communicating any reason to the public, or even to Roebuck himself, though humbly and earnestly petitioned to do so? Was it the part of a clear-sighted Governor to support Reddy Row after the convictions for perjury, forgery, and conspiracy? With regard to the military transactions in India, the honourable gentleman had given great credit to Sir George Barlow.—That he had conducted himself with great coolness and courage, and suppressed this unfortunate rebellion, the noble Lord admitted; but then it was a rebellion of his own making. No one who observed the repeated acts of his government towards the army, would wonder that the agitation had taken place, though he certainly did not justify this insurrection. He was not prepared, therefore, to admit the claim of Sir George Barlow to the character of a great statesman. But he hoped gentlemen would thoroughly apply themselves to the investigation of this subject, and that the canvas and solicitations usual on Indian questions would not be necessary in the present instance.

*Mr. Wallace* said, that the Directors, though they approved in general of the measures of Sir George Barlow in India, yet to that general approval there were a few exceptions—such, for instance, as the removal of Colonel Capper. He said, that the honourable gentleman (*Mr. Creevey*), in tracing the cause of the discontents in India, was by no means correct. That cause was very different from the one that he had stated. That honourable gentleman seemed to have forgot the conduct of General Macdowal, and the arts he practised on the army under his command. (*Hear! from the Opposition.*) He spoke in high terms of the conduct of Sir George Barlow, both civil and military, who was placed, he said, in very critical circum-

stances. The noble Lord opposite had particularly objected to the interference of the Government in the civil trials at Madras. This interference was at the express desire of the Commissioners, who stated it as absolutely necessary to enable them to discharge their duty; and the Government conceived itself bound to give every assistance to the Commissioners. With respect to Reddy Row, his death did not at all alter the nature of his case; and he did not believe that he had put himself to death, it being more likely, from his previous bad health and advanced age, that he died in a natural manner. As to Mr. Roebuck, who has been so much extolled for his fidelity and services, and so forth, he believed that that was very far from being a just character, though he knew nothing of Mr. Roebuck. (*Hear! from the Opposition benches.*) He meant to say, he had no personal knowledge. All he knew of that gentleman was from the papers which had come through his hands; and from them it would appear that he had been so factious that he had drawn upon himself the displeasure of the Government. With respect to Mr. Maitland, he was removed for the commitment of Reddy Row under circumstances which by no means justified that measure. Two men were then brought forward as witnesses, whose characters were bad and undeserving of credit. One of the Commissioners offered to prove that they were undeserving of credit; but this was refused by Mr. Maitland. And with respect to Mr. Maitland's refusal to commit Coopajah Biasminee, he asked if any magistrate in this country, who was himself interested in the cause before him, had behaved in the manner Mr. Maitland had behaved, would he not, on the affair being brought before the King's Bench, have been removed from office?

*Lord Folkestone and Mr. Wallace explained.*

*Sir Thomas Turton* said, that the right honourable gentleman (Mr. Wallace) would, in his opinion, have acted much more wisely had he avoided entering into the details into which he has entered. He in particular deprecated the manner in which he had spoken of a deceased General, who had been very unfairly and very harshly treated. *Sir George Barlow's* conduct, so much eulogized by the right honourable gentleman, was, in his opinion, entitled to the character of obstinacy, and not of firmness. He deprecated the indifference which the House manifested for Indian

affairs. That country, he said, was taken possession of by crime, was kept possession of by cruelty, and now hangs by a single thread. It certainly was the duty of the House to inquire into the system of management adopted in that country. With respect to the removals that had taken place, and particularly that of Mr. Roebuck, he asked if any thing could be more harsh and cruel than to send an old man from a comfortable situation to a distance from his friends and connections, by which his death was, in all probability, occasioned.

*Mr. Wallace* spoke in explanation.

*Mr. Robert Dundas* said, that in his opinion it would have been much better had the honourable gentleman who made the motion, abstained from entering upon the discussion of any of the topics connected with it, at a time when the House were not in possession of any knowledge upon the subject, and were therefore unable to form any judgment upon it. Such a conduct was not fair to the absent individuals whose names had been mentioned, and whose causes were thus prejudged; neither was it fair to the House. He would merely advert to one or two points which had been touched on that evening. The mention of General M'Dowal's conduct had been blamed; but he would ask those gentlemen who deprecated the introduction of General M'Dowal's name, how it was possible to advert to the cause of the Indian discontents, without naming him? He spoke in praise of Sir Thomas Strange, the Chief Justice, and of his conduct in the trials which had been mentioned this night. That judge had charged the jury to acquit, which they did not think proper to do; and he transmitted the reasons of his opinion, not appealing to his Majesty's mercy, but to his Majesty's justice. How was it possible not to listen to the recommendation of such a judge, under all the circumstances of the case, when a jury, whose respectability had been extolled, had been one or two days incapable of acting from intoxication? With respect to a statement lately made in the House by the honourable gentleman (*Mr. Creevey*), of the manner in which a grant to the East-India Company had been passed through the House, he would take that opportunity of answering it.—He said that Bill had been in the House from the 11th of May to the 14th of June; and upon the third reading, when the honourable gentleman stated, and a noble Lord (*Folkes-ton*) joined him in that statement, that it was previous to

the usual hour for discussing public business, and that there was not a sufficient House, so far from that being the case, he would say that a good deal of public business had been that night previously discussed, and in particular a discussion on the subject of assessed taxes took place, in which the Chancellor of the Exchequer, and a number of other members, spoke at considerable length.

*Lord Archibald Hamilton* spoke against the conduct in India.

*Sir John Anstruther* observed, that considerable injury was occasioned by the propagation of speeches made by members of that House, before the full explanation of the particular transactions had taken place. He was ready, on his part, to bear testimony to the great talents, firmness, and zeal, of Sir George Barlow, for his conduct on the late events in India; and was ready to assert that no one act of his could be construed into a cause of the mutiny.—It had been stated, that the jurors who were employed on the late trials at Madras, had been punished for their conduct as jurors. That he denied in the most unqualified manner; but it was not admitted by that Government, that indemnity should attach to improper conduct, merely because the persons guilty of it had served on these juries. With respect to the power of dismissing officers of the army, it was a power which Sir George Barlow had certainly exercised, but with wisdom and discretion. If the power of dismissing officers without trial was taken away from the Executive, no military system could stand upon such principles.

*Sir Henry Montgomery*, after a very animated panegyric on the services of General M'Dowal, and the Madras army, contended, that to Sir George Barlow's conduct the mutiny was to be attributed. He it was who had created it—(*Hear! hear!*)—and instead of getting credit for its suppression, ought to be responsible for its existence and consequences. The original cause of the mutiny was the suspension of Colonel Capper and Major Boles; and when the army saw that those who had respectfully stated their claims, by memorial, to the Government, were thrown into prison, the rest stood upon their defence with the point of the bayonet. He was aware that improper memorials had been transmitted by ill-disposed persons; but the army was not to suffer for their crimes, particularly when not a single officer had signed them.

*Mr. Grenfell* said a few words in so low a tone as to be scarcely audible in the gallery.

*Mr. Astell* observed, that all the charges made against the East-India Directory, would be best answered by a reference to the records on the table. With respect to the expectations, that the army would have acquiesced in the decision of Lord Minto, he begged leave to say that the Madras army did not shew any disposition to submit, until they found themselves disappointed in their main stay, namely, the disaffection of the native troops.

*Mr. Creevey* denied the justness of the charge of taking any unfair course in submitting the present motions. Neither could he admit the imputation of having attributed improperly any charge against the right honourable gentleman (*Mr. Dundas*), for carrying through the House a very serious Bill in a clandestine manner. He then repeated what he before said, that the Bill which granted one million and a half to the East-India Company, was carried last session through the House, on every stage of it, save the last, in the dead of the night—when the members were exhausted; and that on the last stage it was, at an unusually early hour, introduced to an audience brought together by previous notice.

*Mr. Howorth* deprecated the statement that 80,000 men, who had so gloriously extended the territory and interests of the country in India, were only induced to submission by the fidelity of the native troops. Such had been the statement of the Chairman of the East-India Company.—Could any man who knew India make such a mischievous declaration?

The several motions were then put and carried.

#### CRIMINAL LAW.

*Sir Samuel Romilly* stated, that from the indisposition of the Secretary of State for the Home Department, it was his intention to postpone for a short time that part of his intended measure of improvement in the Criminal Code, which related to transportation. He wished then to know, whether any exportation of convicts, particularly of female convicts, was intended?

*The Chancellor of the Exchequer* answered, that a vessel with convicts had either sailed, or was expected daily to sail.

*Sir Samuel Romilly*, under the impression, that every man was bound to use the means in his power to ameliorate the condition, and increase the happiness of society, declared his determination to persevere in his object for the improvement of our Criminal Code.

He concluded with moving for leave to bring in a Bill for repealing so much of an Act of King William as rendered 'stealing in a dwelling-house, shop or warehouse, to the value of five shillings, felony without benefit of Clergy.'

*The Chancellor of the Exchequer* said, he had every disposition not only to do justice to the candour and knowledge of his honourable and learned friend, but also to acknowledge the force of those arguments which he had brought forward in support of his Motion. He had no doubt whatever in his own mind, that his honourable and learned friend had, in introducing again to the attention of the House a proposition on which so much difference of opinion had already existed, and to which such strong objections had been made, acted under a feeling of imperative duty, and conscientious obligation. While he was ready to allow this, he could not at the same time refrain from saying, that he believed there was some little prejudice, easily, perhaps, accounted for, evident from the statements of the honourable mover.—When he expatiated on the benefit derived to the public from the operation of that repeal of an act for making the offence of stealing on the person, which had been adopted some time ago, at his suggestion, he (*Mr. Perceval*) was persuaded that from a natural and excusable partiality, he had taken that for proof which was not sufficiently decisive of the question. He was not himself satisfied that, because the number of convictions had been diminished, therefore the number of offences had decreased. But at present, although he was apprehensive that a general principle might be pushed too far, he was not inclined to oppose the motion of his honourable friend.

*Sir Samuel Romilly* disclaimed entertaining any other belief in the efficacy of the law of which he had been the author, than was warranted by what he considered conclusive and satisfactory proof. What he chiefly relied on was this circumstance, that of the persons tried, a greater number had been convicted.

*The Solicitor-General*, though he would not oppose the motion of the honourable and learned gentleman, yet he intended to reserve himself for expressing his objections on a

future stage of his proceeding. He was confirmed in the opinions he entertained, by the experience of those most conversant with the administration of the criminal laws.

*Sir S. Romilly* then submitted a motion for leave to bring in two Bills, the first to repeal so much of an Act of Anne as took the benefit of Clergy from the offence of stealing to the amount of forty shillings in a dwelling-house; and the second to repeal the Act of 24th Geo. II. for making theft to the same amount on any navigable canal capital.

Adjourned.

## HOUSE OF LORDS.

FRIDAY, FEBRUARY 22.

On *Lord Cloncurry's Divorce Bill*, Mr. Dampier appeared as Counsel for Lord Cloncurry, and Mr. Garrow for Lady Cloncurry. The Earl of Mount Cashel, one of the witnesses called, who was present at the marriage in Italy, being a Peer of Ireland, was examined at the table, and a chair placed for his lordship. The Rev. Mr. Burgess, who was travelling with the Duchess of Cumberland, gave evidence of his performing the marriage ceremony according to the rites of the Church of England. Other witnesses were called to prove a criminal intercourse at Lyons, in Ireland, Lord Cloncurry's seat, and at Dublin, between Lady Cloncurry and Sir John Piers. Further proceeding on Monday.

*Mr. Graham*, Inspector of Convicts, presented the report of the state of the Convicts in the Thames and Medway, which was ordered to lie on the table.

## APPEALS.

*The Lord Chancellor* referred to the notice he gave last Session, respecting the state of the Appeals before the House, and stated it to be his intention, in the course of next week, to submit a motion to the House, for the purpose of instituting an inquiry respecting the practicability of adopting a speedier course of hearing and determining Appeals. He conceived the most expedient course would be to institute an inquiry in the first instance, as it must become an object of consideration, how far the attention of the person who might happen to preside in the House, could without public inconvenience be withdrawn from another Court.

## REVENUE LAWS.

*Lord Grenville* stated, that it had been found more convenient that the Bill respecting the penalty of death in the Revenue Laws should be presented to the House in the first instance, and if their Lordships pleased to give it a second reading, it might then be committed to the Select Committee originally proposed for revision, instead of the subject being referred to that Committee previous to the Bill being brought in. His Lordship accordingly presented a Bill for reducing into one Act the clauses in Acts relating to the Revenue, and by which the penalty of death is imposed for offences in breach of, or in resistance to, the Revenue Laws, and which he stated to be a transcript of the Bill brought in last Session, which had been already printed.—The Bill was read a first time, and ordered to be read a second time on Monday.

## REVERSIONS.

*Earl Grosvenor* gave notice of his intention to make a motion soon, for abolishing the practice of granting Offices in Reversion, with the view of making the abolition a permanent measure.

## COLVILLE, A PRISONER IN GOLDBATH-FIELDS PRISON.

*Earl Grosvenor*, being on his legs, thought it right to advert to a report which was abroad, relative to a person of the name of Colville, stated to be detained in Goldbath-fields prison, under a warrant, signed by the noble earl opposite (*Earl of Liverpool*.) He did not mean to say much upon this subject, as it had, he understood, already been taken up in another place; he could not help, however, observing, that the circumstances, as stated, were very extraordinary, and that it was singular this person had been detained for so long a period, without either being brought to trial, or sent out of the country.

*The Earl of Liverpool* thought it only necessary to say, that it would be seen by the votes of the House of Commons that a select committee had been appointed to investigate the circumstances of this transaction; and he was satisfied it would appear, from the result of that investigation, that the conduct of Government, in this instance, had been perfectly right and justifiable.

## INFORMATIONS EX OFFICIO.

*Lord Holland* gave notice of his motion for the number and nature of informations *ex officio*, filed in the Court of

King's Bench for libel for Monday se'nnight. He therefore moved that the Lords be summoned for that day; not, however, with the expectation that his motion would produce debate or excite opposition.

## ISLES OF FRANCE AND BOURBON.

*The Earl of Lauderdale*, with reference to the late conquest in the East Indies, which he considered of great importance, observed that it appeared by the letter of General Abercrombie, that Mr. Farquhar, a servant of the Company, had been appointed Governor of the Isle of France, and it evidently appeared from what was stated by that General in his dispatch, that he unwillingly conceded to this appointment. He wished, therefore, to know whether the Isle of France was to be considered as the King's or Company's colony, the difference in the conduct and management of the King's and Company's colonies was so strongly against the latter, that if he did not receive a satisfactory answer on this point, he must bring the subject before the House.

*The Earl of Liverpool* said that he had no difficulty in stating that a decision had been taken upon this point, and that it was determined that the Islands of Mauritius and Bourbon should both become the King's colonies, the Governor to act under commissions from the Prince Regent, and that those islands would be as much under the control and discretion of the Crown as any other of his Majesty's colonies in the West Indies or elsewhere.

## IRISH CIRCULAR LETTER.

*The Marquis of Lansdowne* rose, and called the attention of their Lordships to the contents of the two letters of Mr. Secretary W. W. Pole, and Mr. Edward Hay, Secretary to the Committee of the Irish Catholics. It was not his intention to carry his observations beyond what was immediately connected with those letters. The circular letter of Mr. Pole, they had been already informed by Ministers, did not emanate from the Ministers, nor from the illustrious Person in whose hands the supreme authority had been recently lodged, but from the Irish Government alone; and emanating from them under circumstances, as he understood, which satisfied the noble Lords opposite of their discretion in resorting to such means, and that there was not time sufficient to make communications to the Government here, he certainly expected, that when he read the letter of Mr. Hay, he should see a reason for the measure; but here he was disap-

pointed. But what could Ministers say for the lapse of no less than forty-three days from the period of the publication of Mr. Hay's circular to that of Mr. W. Pole? and yet up to the receipt of Mr. W. Pole's dispatches, they remained ignorant of the necessity of having recourse to any such measure. Was that letter of Hay's, then, to be considered as the real cause or not? If it were so, it should seem to have required more immediate action. Was he to believe that all the time, from the 1st of January to the 12th of February, passed without any attempt by the Government, to ascertain what was the temper of the Catholics on the subject, and whether they might not be dissuaded from assembling as proposed? He could not see how, under all the circumstances of so large and respectable (and he yet trusted, a peaceable) body like the Catholics of Ireland, the Government could be justified in calling out against them a law which had been perpetually violated during thirteen years, as it was in the instances of the present Committee at Dublin, and of the Orange Lodge there; and directing powers against them, that had not for so long a time been acted upon. Would it not have been a fairer course towards a body of men, especially so situated, professing as they did a wish not to violate the law, to have given them some earlier information of the necessity of their acting strictly according to the law of the land; and not all at once, and by surprise, to arm the law against them? He was sure, that if any such communication was made, it ought to be produced. If, contrary to the opinion he entertained of the Catholics, there did exist what had been stated to be a plan for a systematic violation of the law, and the establishment of a permanent assembly of so large a number of delegates, he should be the last to be their advocate, or to cast censures on the King's Government: but did that appear from the letter before them? He only saw a proposal for a delegation to frame a petition to Parliament on certain subjects. If there were other views, they must have been ascertained; but from what he trusted would be seen of the Catholics, if proper information were laid before them, that would not appear to be the case. Persuaded as he was that no proper previous opportunity had been taken, and convinced that it must have been most grateful to his royal highness the Prince Regent to have adopted a different course, he must ask for the production of further information. It was his decided opinion, that the Prince Regent, especially in the present circumstances of affairs, ought to hold the reins of government with

a firm and energetic hand ; but it formed no part of that requisite firmness, to reject the means of kindness and of conciliation. It was not by a rash, violent, and intemperate exercise of power, that a government could be best maintained. No reasons were afforded him, that induced him to think that such conciliatory attempts had been made. If the noble Earl consented to produce further information, but desired, for reasons of public convenience, to send it before a Secret Committee, he should make no objection. The noble Marquis then moved for the production of copies of all such dispatches as related to this subject, from and to the Lord Lieutenant of Ireland.

*The Earl of Liverpool* rose, and stated that he felt it to be his duty to oppose the present motion, because no sufficient grounds had been shewn for agreeing to it ; and because the information already on the table, was quite sufficient to answer the object of the motion made by the noble Lord the other night (*Earl of Moira*). That noble Lord's motion was confined to the production of a single document, and the letter of Mr. Hay was produced in consequence of a motion of his own (*Earl of L.'s*). He felt much difficulty at the present moment in giving farther information : but he had given them a positive record, which proved the deliberate attempt at the violation of law, and was inconsistent with a due regard to the public tranquillity. He had been mistaken when it was said, that the body of the Catholics meditated a systematic violation. He meant no such thing against that numerous and respectable body ; and he was sure that the measures intended were as much against the sense of the most respectable part of the body of the Catholics, as they were against that of the Protestants, and they deprecated the adoption of them equally. He believed, in his conscience, that the majority of the Catholic body were loyal and well affected to the connection with England, and that they did not desire to be represented in the way proposed, by a few of their number. When he spoke of "systematic attempts," he never meant—but he would repel—the application of it to the body of the Catholics. (*Hear!*) As to the case of the present Committee sitting in Dublin, being also a violation of the law, he would not enter into the question, whether it had been wise or not, to allow that sitting : but whether wise or unwise, he could not perceive that it was wise to overlook the attempt to carry such a meeting to so great and undefined an extent, and assuming, as it would, a new character. Were his opinions favourable to

the total removal of the remaining disabilities to which the Catholics were subject, he should still entertain his present sentiments on this particular subject. Indeed, there was no greater grievance for the Catholics, than the existence of such a body, professing to be the representatives of all the Catholics. There had been no attempt made to prevent the right of petitioning, according to the forms of the Constitution : but the very usage of their Lordships' House forbade the receiving of petitions except from individuals subscribing for themselves, or from bodies which had a legal corporate existence. An instance of this sort had, even recently, occurred, in the case of a petition professing to come from the Lord Mayor and the Livery of the City of London. The petitions intended to be presented by the Catholics had been already prepared and agreed to, and therefore there was no ground for meeting on that subject. Considerable inconveniences might accrue from the production of farther papers. He was not aware that any farther information was at all necessary. The letter on the table shewed clearly the intention to violate the laws, and expose to danger the public tranquillity.

*Earl Grosvenor* thought it right to keep clear of the merits of the question on which these proceedings had occurred ; and thought the only question before them was, whether the strong steps now taken by the Irish Government could be justified. It was certainly possible that they might ; but there was nothing on their table to prove it, and they could not come to such a conclusion without the advantage of farther particulars of information. Notwithstanding the recent assertions of the friends of Ministers, and the statements so often made in some of the public prints, supposed to speak the sentiments of Government, (whether truly or not, he could not tell) that Ireland was in a state of perfect tranquillity, the publication of this strong and irritating letter shewed that Ireland was very far from being in such a situation. (*Hear !*) After a lapse of eighteen years, he should have considered the Convention Act, passed at a disturbed period, as obsolete. At that time, Acts of considerable strictness were passed in this country, and which he believed were justified by circumstances : yet they were done away here, and he should think that the same should have taken place in Ireland. As ours were repealed, he supposed that theirs would also have been repealed by the Irish Parliament, had it continued. It was curious that Ministers should have no

knowledge of the subject, when they must have known that the letter of Mr. Hay had been written for five weeks. It was curious that Mr. Pole left this country only on the 3d of February, and was not instructed in any respect on this point; but immediately on arriving in Ireland, published this letter without any communication with the Government there. He might suppose that they thought that if a communication had been made here, the Prince Regent might have thought a different course more proper to pursue. He saw no ground to excite additional alarm except as to the addition to the numbers of the meeting. That was not great, compared with the numbers of the Catholics, and was not a sufficient ground taken alone. It must therefore be coupled with circumstances which were not to be disclosed to them. Whether the Irish Government were right or not in such a measure, they appeared wrong in not making a communication previously. The noble Secretary of State could not, he thought, have any objection to give information to a Secret Committee.

*Lord Grenville* said, that the Secretary of State had passed over the strong points of the able and eloquent speech of his noble friend. What was chiefly urged, he prudently left out. In expressing his disapprobation of this intemperate act, let him not (*Lord Grenville*) be held as a person who would countenance the violation of the laws. On the contrary, he would always do his utmost to ensure obedience to the law; and if it could be shewn that this measure was the only, or the ready and natural mode of prevention of an unlawful meeting, he should agree to it. But as far as he was as yet informed, he saw not the slightest ground for the character and temper of this proceeding, which was obnoxious to the censure of all considerate and impartial men. This letter did not shew to whom it was addressed or sent. Whom did the noble Earl mean to say it was sent to? To all the Catholics of Ireland? Or to what particular persons? Would he profess ignorance on that head? If ignorant, in what a light did the Government stand before their Lordships and the country? It was of much importance to know who they were to whom this letter was sent; for he would admit, that if so large a meeting were assembled by delegation, contrary to law, and for undefined purposes, it would be dangerous to the public peace. (*Hear!*) There was nothing satisfactory in the letter. They seemed to think that they were not violating the laws;

and therefore the Ministers were bound in justice to lay the grounds before Parliament, and the names or descriptions of those to whom it was sent. There were other points of yet higher importance. They were to judge of the time, the temper, and the tone of this letter of the Irish Secretary; and above all of the time. Their recent unfortunate debates on the Regency question seemed to have put them out of all thoughts of such a thing as a government. Had the Lord-Lieutenant's Secretary the power to do this act without consulting the King's commands, or those of the illustrious person who exercised his authority? The letter could not be defended in any way but on an indispensable urgency, unless the Ministers were prepared to maintain that the Lord-Lieutenant's Secretary was actually the Regent of Ireland! (*Hear!*) Let their Lordships look at the nature of the Government of Ireland. There were many of them who must know the practice of that Government. There ought to be some of them then opposite to him. Would they have done this without taking the King's commands? Such was the constitution of that subordinate Government, that they could do no more without consultation with the Government here, than those Ministers could without the authority of the Prince Regent. Such was the ordinary mode of business, and was surely particularly necessary to be attended to now. What right had they to suppose that the Prince Regent would approve of the act? They had but one answer to make, and that was, that the matter pressed upon them so suddenly as to leave no time for communication. He had anticipated such an answer; but the fact turned out, that the Irish Catholic Secretary's letter was dated January the 1st. In order to judge, let them say how the interval of forty-three days had been employed. He would concede much to them, if they could shew that it was employed in temperate remonstrances, such as became a mild and benignant government to the feelings of men smarting under a peculiar situation. A wise government would have used every conciliatory method; and if that had failed, though even then he should have condemned the irritating tone which might have been used by an offended government, yet necessity might have arisen for resorting to decisive steps. At present, how the time was employed, he was utterly ignorant. There was no necessity for this step without the Regent's consent. The great point was, not whether the law should be enforced,

but whether the mode was such as was due to the dignity of the Prince Regent, to the peace of Ireland, and the established forms of the government. There was a general idea, and among the worst signs of the times, that there was a disposition to neglect all forms. The Constitution could not be preserved but by attention to forms. He was old-fashioned enough to admire our forms. This transaction was against all forms, as the old mode would have been by proclamation of the Lord Lieutenant in Council. Had the Privy Council been called, there had not been issued a paper, *eo nomine*, against the Catholics. All communication had been withheld from the Regent, and no proof given of any conciliating endeavours of the Government.

The Earl of Ross thought it probable that the Irish Government had resorted to measures of conciliation before issuing the circular letter. The letter of Mr. Hay was, it was true, dated the first of January; but it did not appear that it was circulated on that day; it was probable that it was not circulated for some days afterwards, and then, perhaps, privately, so that some time would elapse before Government would be apprised of it. It should also be borne in mind, that at the meeting of the Catholic Committee on the 21 of February, a motion was made to rescind the Resolution for circulating this letter, on which, on a division, the numbers were—for it 14, and against it 24; but the votes of those who had been delegated from the counties having been objected to, they were taken from the 24, and the numbers then were 15 to 14 against the motion, which was only lost, therefore, by a majority of one. This being the case, it might be supposed by Government, that a measure carried by so small a majority, would not be persisted in, and they might thus be induced to delay till the last moment resorting to any harsh proceeding. He wished it, however, to be understood, that he did not speak upon this subject with any knowledge of the proceedings of Government, but merely presuming what their conduct might have been. That the Convention of delegates was to be assembled for other purposes than those of petitioning, was evident from the paragraph in Mr. Hay's letter, stating the wish that the managers from the counties might be those whose avocations required, or whose leisure permitted their permanent or occasional residence in Dublin. It was, besides, certain that the petition to Parliament had been finally agreed upon at the meeting of the Catholic Com-

mittee on the 2d of February, and directed to be transmitted for the purpose of being presented. He was of opinion, that the Lord Lieutenant of Ireland would have deserved to be impeached if he had not used every exertion to put down a Convention of delegates thus illegally attempted to be assembled, and by the assembling of which the public peace would have been seriously endangered.

*Karl Grosvenor*, in explanation, admitted that the assembling of a Convention of delegates would have been dangerous to the public peace; and observed, that what he meant to say was, that no danger would have arisen merely from the number of Catholics which it was proposed to assemble.

*Lord Holland* observed, that the noble Earl (Ross) had supposed that measures of conciliation had been resorted to by the Irish Government previous to issuing the circular letter, but what they wanted was the proofs upon the table. It was impossible to take the statement of the noble Earl, founded upon suppositions. Let the documents be laid upon the table, to shew what the conduct of the Irish Government had been. It was whimsical enough that the noble Secretary of State alleged the Catholic Committee to consist of persons who did not speak the sentiments of the Catholics of Ireland, whilst they were held out by the noble Earl (Ross) as the organ of the Catholics, to which Government looked as regulating their movements. How were these contradictory statements to be reconciled? Like *Sosia* in the old play, the Catholic Committee, thus buffeted about, might say, "if we are not the Committee of the Catholics, be so good as to tell us what we are." It was said by an eminent man, Mr. Burke, that it was impossible to draw an indictment against a whole nation; but the Irish Government seemed disposed to throw a whole, or three-fourths of a nation into gaol. A noble and learned Lord on a former night had said, that the Convention Act was merely a declaratory Act; he (Lord Holland) was afraid it was so; but if it was, he wished to be informed, whether it declared what was previously the common law of Ireland, and if so, how it happened that there was such a difference between the common law of Ireland and the common law of England, where such was no part of the common law.

*The Earl of Donoughmore* admitted that the Catholic petition was agreed upon on the 2d of February at the Catholic Committee; but it remained to be signed by ten

gentlemen from each county, not as delegates, but to obviate the objection made on former occasions, that the petition was merely the petition of the men of Dublin. If this measure of the Irish Government was to be persisted in, this mode of signing the petition might be prevented, and the petition thus not being the petition approved of in the manner agreed upon by the Committee, their Lordships might have the satisfaction of hearing no more for this session of the Catholic petition. His Lordship took a short historical review of the proceedings of the Catholics, for the purpose of shewing how much they had been misrepresented. The measure now resorted to by the Irish Government would have the effect of still further oppressing them, inasmuch as it placed the means of oppression against them in the hands of every petty tyrant who chose to exercise it.

The motion was put and negatived.—Adjourned.

## HOUSE OF COMMONS.

FRIDAY, FEBRUARY 22.

IRISH CIRCULAR LETTER.

*Mr. Ward* said he rose to move for such papers as might have a tendency to throw light on a late measure adopted in Ireland. Had the production of these Papers been conceded, he should have felt it his duty to have abstained from in anywise entering upon the question; but as this was not the case, he conceived it necessary to say a few words, to induce the House to accede to his motion. The House must be aware of the nature of the Convention Act. Of this Act, the best justification that can be offered is, that it had its origin in bad times; and nothing but actual necessity can in any degree justify its enforcement, for it is calculated to occasion anxiety and irritation on every occasion, when attempted to be put in force. It is incumbent, therefore, on his Majesty's Ministers to make out that necessity to the satisfaction of the House. He was not disposed to repose any great share of confidence in the administration of the right honourable gentleman at the head of his Majesty's Councils; and if he was disposed to withhold his confidence from him in any one thing more than another,

it was his administration of Ireland, which was conducted on principles on which he could never bestow his approbation. He thought he was entitled to call upon the Ministry at this time to explain the motives by which they were induced to rummage the Statute-book for the discovery of penalties against persons who, however much their conduct might be wrong in one particular instance, had shown no general intention of violating the laws. It was necessary to shew the House that there were some reasons for thus endangering the security of a whole kingdom. It was necessary to have some official statement which might throw light upon the subject, and serve as a justification; and this was the more necessary, when it was considered that the very last measure of Ministers in that House was to boast of the tranquillity of Ireland. The papers which were now before the House, and which were intended to serve as a justification of the conduct of the Government of Ireland, contained nothing that could in any way throw light on the measure. All that could be learned from it was, that a delegation from the body of Catholics in Ireland had lately taken place; but that delegation was by no means a new measure: it had subsisted since 1809; and the mere fact of a delegation did not certainly call for measures of such unexampled severity—for such a delegation, if confined to its proper objects, was surely in every respect preferable to the assembly of the mob of the country. And supposing that this delegation was of an improper nature, which was by no means made out by any thing before the House, it was surely incumbent, before having recourse to such severe measures, to have tried measures of a more mild and conciliatory nature, to have had intercourse with these people, and to have avoided falling at once upon a step, by which some thousands may be deprived of their personal liberty. The letter of the Secretary of the Catholic Committee, which is the ostensible cause of the measure of the Irish Government, betrays an apparent anxiety to avoid taking any steps which might seem to be a contravention of the Convention Act. The Catholics seem anxious, in the adoption of measures for vindicating their rights, to do nothing more than what may be necessary for that purpose, and to avoid incurring any penalty, to which, by the existing laws, they might be liable. They say that it is *their duty*, as well as their *inclination and decided determination*, not to violate the spirit, nor even the letter of the law. In

whatever way they may have violated the letter of the law, there is here an evident wish not to violate the spirit of it, His Majesty's Ministers may, indeed, possess information of a different nature. They may know that this declaration is nothing more than a pretext; and that under this seeming regard for the laws, measures of a dangerous nature are in contemplation. But the House have no information of any such designs, and remain in profound ignorance on the subject. From this measure, it appears that Ireland is in a most perilous state; but it is impossible for a moment to conceive that the cause of this measure does not lie deeper than the letter of the Secretary to the Catholic Committee; for this letter is dated as far back as the 1st day of January, and the circular letter of the Secretary to the Lord Lieutenant is dated the 12th of this month; so that it appears there were six entire weeks between the two acts. It is hardly possible to conceive that this letter of the Secretary to the Catholic Committee could be the ground for the proceeding of the Irish Government, when we consider that so little stress did that Government seem to lay on that letter, that the Lord Lieutenant did not think it worth his while to transmit a copy of it to his Majesty's Ministers. It excited no feeling in the Government, for his Majesty's Ministers made no mention whatever of it in the late speech from the Throne. (*Hear!*) There was not one syllable in the Speech which had the smallest relation to it, although this paper had been in existence for six weeks. His Majesty's Ministers ought to be able to make out a good case; they ought to be able to shew what powerful motive could induce them to remain quiet for six weeks, and then all at once to break out into the adoption of this unaccountable measure. But he wished to call the attention of the House to a particular circumstance:—He had to ask, At what time this letter of the Irish Secretary came forth? This paper was issued at a time when the accounts of the installation of the Prince Regent were merely arrived in Ireland. This was a most unlucky coincidence; for the Prince was in the highest degree popular in that country, and was considered to be strongly attached to the interests of his Irish subjects. For this measure, however, there was not the smallest ground to suppose that Ministers had the countenance of his Royal Highness. Whether Ministers were right or wrong in the adoption of this severe measure, in the present state of his information upon that subject, he would be very sorry to

take upon him to decide; but it was necessary that the House should have means to enable them amply to discuss the subject. If it should turn out that the measure was necessary and justifiable, it may have the effect of turning the minds of the Government to relax the system which they have been pursuing in Ireland. It is now four years since the right honourable gentleman was called to the administration of these kingdoms; and what was the result of his administration of Ireland? The state of Ireland was every year growing worse and worse under his management; it was every year becoming more and more a part of our weakness (*Hear!*). He would ask whether Ministers expected to be able to continue this system? (*Hear!*)—Whether they expected to be able, by their Convention Bills and similar measures, to govern that country? He should be sorry if any thing he might say could have the least tendency to excite a spirit of discontent among the natives of Ireland. He was fully aware of the embarrassing situation in which he stood. On the one hand, it was possible he might be construed to excite anxiety and alarm to that country; and on the other, by maintaining a silence on the subject, it might appear as if he seemed to acquiesce in the justice and propriety of the Irish system. The Administration of the country seemed now to be placed in the painful alternative of being obliged either to concede something to the demands of the people of Ireland, or to put down the population of that country by the exercise of power. While he said this, however, it was not his object to enter into any discussion at present on the subject; for neither he nor the House were possessed of information to enable them with propriety to enter upon the subject. His object was not a wish to embarrass Administration; and had he conceived that any thing this night spoken by him could have the least tendency to effect such an embarrassment, it would have been buried in oblivion. He thought, however, it was becoming in the House to shew an anxiety for the fate of Ireland, a greater anxiety than they have hitherto shewn; but while he blamed the spirit of intolerance that had been adopted in regard to Ireland, he did not forget that the Catholics themselves were, by their conduct, not altogether free from blame. It was his most earnest wish that the Catholics would abstain from all measures of a violent tendency; for they might rest assured, that such measures, however much others should suffer from

them, would return back on themselves in a tenfold degree. While he recommended, therefore, tolerances to the Administration, he could not help recommending forbearance to the Catholics. The honourable gentleman then moved for extracts of such dispatches as had been received by the Secretary of State, from the Lord Lieutenant of Ireland, relative to the putting in execution the Convention Act.

On the question being put that these papers be produced—

Mr. *Yorke*, although he could not agree entirely with the speech of the honourable gentleman who had just sat down, he entirely agreed with him in the concluding part of that speech, where he enlarged upon the propriety of manifesting an anxiety for Ireland, (*Hear! from the Opposition*); for no man more cordially agreed with the honourable gentleman than himself in the necessity of displaying such an anxiety. He confessed, however, that he was surprised at the charge of intolerance which the honourable gentleman had brought against the Administration. This charge he took upon him to deny; because, although the House have not conceded what has been demanded in the name of Catholic Emancipation, there was no intolerance manifested towards the Catholics of Ireland. This was not the time to enter upon the discussion of this subject; but he would take upon him to say, that not only have his Majesty's Ministers pursued no intolerant system in regard to Ireland, but that the system of his Majesty since his accession to the throne to the present day, has been peculiarly mild in every respect to that country. It was unfortunately true, that the object of Catholic Emancipation was wished for by great numbers in Ireland; but in the present state of things that point cannot be conceded to them. The honourable gentleman has acknowledged that this is not the time for entering on the discussion of this subject; but it were to be wished that the honourable gentleman had confined himself to move for the papers which he might conceive defective, and had avoided all discussion of topics connected with them. Before he proceeded to advert to these topics, he would state to the House the facts which had come to the knowledge of his Majesty's Ministers. All that they knew was, that in consequence of a paper issued by a Mr. Hay, who calls himself Secretary to the Catholic Committee—(*Hear!*), he knew not whether this was genuine or not—but in consequence of this paper it was thought advisable to issue the circular

letter now before the House. This paper carried on the face of it a violation of the existing laws of Ireland. (*Hear !!*) This was not the time to discuss the merits of these laws; it was sufficient to declare what was the law. The Convention Act is declared to be expressly enacted for the purpose of preventing the assembling of delegates from any unlawful assembly; who are declared guilty of a high misdemeanour. He would ask any person who reads the paper now under discussion, whether it was not a decided offence against this Act, and whether sitting in any such assembly as the body of delegates from the Irish Catholics, was not to be held an assembly against the Convention Act? The honourable gentleman has said that there is an evident intention in this paper of wishing to avoid offending against the law. He admitted that such intention was professed in certain passages of the paper; but such passages did not at all alter the nature of that paper; for how was it possible that men were to be sent to join the Catholic Committee, without being appointed by an act of the body of Catholics? It may be contended, therefore, that the person who wrote that paper must have intended a violation of the laws, and that he was aware that he was acting in violation of the laws; and therefore, without inquiring further, the Government of Ireland were *prima facie* in the exercise of their duty, when they resorted to the measure under discussion. It may be true, that that measure was not expedient (*cries of Hear, from the Opposition*), and it is upon the expediency of the measure that the conduct of the Government must fall to be justified. Looking therefore at that letter, he maintained that the Government of Ireland could not have acted otherwise than they did, without admitting persons openly to violate the established law of the country. But Ministers were not in possession of all the information necessary to enable the House to judge of this measure in all its points; and therefore, if all the papers moved for were granted on the present occasion, they would not answer the purpose. He was therefore averse to the motion, because these papers are insufficient, and because it would be necessary to wait for still further papers, before the House could come properly to a discussion of the subject. Upon that ground he gave his negative to the motion. The honourable gentleman thought fit to criticise the Government of Ireland, because the letter of the Secretary to the Catholic Committee was dated the 1st of January, and the circular letter of the Secretary to the

Lord Lieutenant was dated on the 12th of February ; so that no notice appeared to have been taken of the former paper for six weeks. But, according to the information which he possessed, the Government of Ireland knew nothing of that paper till within a short period of the issuing the proclamation. Although the letter of the Catholic Secretary bore to be dated the 1st of January, he believed it was not circulated till a much later period, (*Hear! from the Opposition*) and therefore the observations on the conduct of the Irish Government do not seem to be entitled to much consideration. The honourable gentleman has mentioned what he conceived an unfortunate coincidence in the appearance of the letter of the Irish Secretary, at a time when the news of the Regent's appointment had newly come to Ireland ; and he took from thence an occasion of paying a well-deserved compliment, as he believed, to his Royal Highness. Every man who wishes well to the interests of the United Kingdom, ought to feel warmly for the interests of Ireland ; and the person at the head of the Government must be supposed to feel for these interests more warmly than other individuals can be supposed to feel. The introduction, however, of every circumstance of this nation, must not only be considered peculiarly unfortunate at this time, but at every time. It was also to be deplored, that gentlemen, who, he believed, had the glory and prosperity of their country sincerely at heart, should indulge in a tone and temper calculated to produce the greatest mischief that could possibly happen to Ireland. He did not, however, mean to say, that the honourable gentleman who preceded him, was to be included in the description of gentlemen to whom this charge applies.

*Mr. Grattan* said, he could not conceive how it should ever be imagined in that House, that Ireland had separate interests from those of Great Britain ; for the interests of Ireland were inseparable from the interests of Great Britain ; because he could not conceive how Great Britain could exist independent of Ireland, or how Ireland could exist independent of Great Britain. It was therefore astonishing to him, that these interests should ever be thought separable ; or that the affairs of the one country should not be debated in that House with the same temper as those of the other. The Government of the country should watch in a particular manner over the interests of the Catholics of Ireland, because the Catholics had no representatives in that House ; because they ought to be considered in the light of the wards of this

Legislature. The House ought therefore to watch over their rights and interests, and to shew their tender attachment to these rights on every occasion. There was one point in particular, which they ought ever to keep in their eye, and that was, that the Catholics should be tolerated, and kept in the possession of all the rights which the laws of the country have left them; and if it is not the intention of the Government to enlarge these rights, it was the duty of the House to take care that no minister or set of ministers should perplex and harass them in the exercise of the privileges which the laws have left them. There was one point to which he wished in a particular manner to call the attention of the House, and that was, that the communication between the Legislature and the Catholics should be kept as open as possible. It was not merely desirable that parochial communications should be kept open—it was not merely desirable that county communication should be kept open—but it was desirable that the House should have every opportunity of knowing the general sense of the Catholic Body. It was therefore highly desirable that a bad law—a law generated in spleen—for that was its best justification, though sometimes it might be pretended that circumstances made it necessary to be resorted to—should be resorted to as little as possible. It was the duty of the Ministers of the Crown, and it was the duty of that House, to construe that Act in as favourable a manner as they could, and they were called upon to be as favourable as they possibly could to the acts of the Catholic Body. Now in order that a petition should convey the sentiments of the Catholics, it was not sufficient that it was subscribed by a few individuals of that body—it was necessary that it should express the general sense of the Catholics, and how was that general sense to be ascertained but by delegation? The Convention Act, therefore, went against the most essential rights of the subjects of these kingdoms, and if bitterly construed, went to cut off all communication between Parliament and the people. This was particularly the case with regard to Ireland since the Union; for many channels of communication, which were then open between the people of that country and the Legislature, were now almost shut up. He contended that the right of petition should be enjoyed in the fullest, freest, and amplest manner, so as to afford means to collect the general sense of the people. He remembered that, when on a former occasion he had the honour of laying before Parliament a petition

from the Catholics of Ireland, he was told in this House that the Petition was subscribed by a respectable body of men; but what means had the House for ascertaining that these men spoke the general sense of the Catholics? On this subject he begged leave to ask the House, from whom they were to take the general sense of the Catholics? Were they to take it from persons in this country? Or were they to take it from the body of Catholics themselves? Is it wished to preserve the connection between this country and Ireland, or rather is it wished to preserve the connection with the Catholics? The strength of that connection depends upon the privileges which are exercised and enjoyed under that connection by his Majesty's subjects. (*Hear!*) Having said this much with regard to the state of the Catholics of Ireland, and the nature of the Convention Act, he would ask if the letters produced established any necessity for the renunciation of the measures, which, unless under very imperious circumstances, it was the duty of the Government to adopt. The papers produced by Ministers go but a certain length. As far as they do go, they certainly do not make out their case. But as they have refused production of all further papers calculated to throw light on the subject, it falls upon the House to decide that these papers contain all that can be brought forward in their favour, and that they can offer no other justification of their conduct. The letter of Mr. Secretary Pole had two aspects, a prospective and a retrospective aspect. A national permanent Convention in Ireland; was certainly to be prevented, but it was wrong to lose sight of the distinction between such an assembly and the Catholic Committee; but supposing the danger to have been great, then a question arose as to the best and most expedient method of guarding against it. He would not be one of those who would recommend a rigorous execution of a rigorous law, for the purpose of allaying the discontent, or appeasing the exasperated temper of a people who complained of injuries. (*Hear, hear, hear!*) He should be inclined rather to soften the severity of the law, to take away as much of its sting as possible, certainly not to sharpen its edge, against an aggrieved and complaining body. (*Hear! hear!*) He would not, in endeavouring to prevent any unlawful or tumultuous meeting, have ushered in his measure by a direct and positive charge against that meeting of entertaining improper or mischievous designs. He would not have stated in his

preamble, "Whereas a conspiracy exists," but have preferred the less offensive terms of "Whereas a report of such and such proceedings has gone abroad," &c. There was this difference between the two modes of conduct, that the first bore an adverse and hostile character towards his Majesty's subjects, the other indicated a friendly and parental temper. (*Hear! hear!*) Doubtless, there were among the Catholics some misguided men, and some who might conceal unjustifiable views. But was this a sufficient apology for the use of irritating language to the whole body? The words "unlawful assembly," applied to the Catholic Meeting, in the letter of the Irish Secretary, appeared to him to be most injudicious, even if strictly applicable. What necessity was there for this assuming phraseology, so remote from the style of conciliation, so unmarked by that superior good manners which ought to distinguish a great and magnanimous government? (*Hear, hear!*) It could not be forgotten that the assembly thus stigmatized had continued to meet, unchecked, and unproved, since the year 1807: that since 1809, they had made various communications to both Houses of Parliament, (*Hear, hear!*) If, therefore, the principle on which they assembled was wrong, it must have been wrong from the beginning, and the Legislature had acted wrong in receiving petitions resolved on and prepared by that assembly. The Catholic Committee consisted of the delegates of 1806, and of those appointed at the general meeting of 1793. Parliament had never refused to entertain the petitions of this body, against whom the full force of a penal statute was now revived, as against a lawless and dangerous convention. This, then, was a striking instance of the lawless and precipitate nature of that act of the Government of Ireland, which was, in fact, as inconsistent as unwise. Lord Fingal had sat in the Chair of this Catholic Committee since the year 1809. Did Ministers intend to act up to the menacing tone which they had, unfortunately for Ireland and the Empire, assumed? Did they intend to attack Lord Fingal in the plenitude of the esteem and respectability in which he was held, for having presided at an unlawful assembly?—(*Hear, hear!*) Did they mean to attack some of the best subjects of his Majesty, who had so often lent their efforts against the natural enemies of the country? (*Hear, hear!*) It was impossible to entertain any rational jealousy of such a man as Mr. M'Donald, who proposed the leading resolutions at the meeting of 1809:—

a man who, he sincerely believed, was possessed of every quality that could conciliate and secure attachment and respect. In his judgment, such popular meetings, so conducted, were not the cause of just alarm. It was well that opportunities should exist for the mind of the people to evaporate. (*Hear! hear!*) The aspirations of active genius should not be subjected to eternal control, nor the high mettle of the Irish youth condemned to waste itself in indolence and tavern enjoyments—(*Hear! hear!*) Much did he see of public spirit in the Catholics of Ireland, much indeed, of vehemence, but of a vehemence that threatened no evil consequences. The fire should be kept in its proper orb, and it would emit a salutary light and heat, without bursting into conflagration—(*Hear, hear!*) Certainly nothing had been stated to justify the retrospective operation of the Convention Act; and if Ministers were determined to persevere in their impolitic system, he held it to be the duty of the House to interpose in favour of the people, and assert the right of the Irish subject to complain of grievances. It remained for Ministers to shew, that to destroy the Catholic Committee was necessary, to prevent a national convention in that country. It was the undoubted privilege of the subject to be sometimes clamorous and violent in the maintenance of his rights; he would not say it was his right to be foolish also; but he was sure, that to suppress any mischief that could be apprehended on that score, the worst plan was that of a harsh exercise of the power and authority of Government. Occasional ebullitions of warm feelings did not call for its chastising arm; they were the symptoms of a free spirit, the calentes, if he might use the word, of a lofty mind, harmless when gently treated. (*Hear, hear!*) He believed, however, that Mr. Pole's letter might admit of something like an hypothetical form as to the existence of a tumultuous disposition, and he trusted, therefore, that Ministers would instantly adopt and sanction the construction. "You have," said Mr. Grattan, "disqualified a large portion of your fellow subjects, who pay your taxes in support of your Government. At a period peculiarly unfortunate, for needlessly increasing your difficulties, you stigmatize a great part of your population, who have fought and bled with you in defence of the liberties and constitution of the country. While you pursue this system, depend on it, distempers will not cease in Ireland; that dangers and commotions will continue to attend your

erring policy. You have degraded the Catholic below the level of the community, and with the buoyancy of nature he will rise to assert that claim to equal rights which he feels is not less founded on reason than on justice."—(*Cries of hear, hear!*)—Above all, he recommended moderation and forbearance to the Government; the cause of emancipation must ultimately triumph, and those who had accompanied Britons to military glory, would one day vote and legislate in their society. The honourable member concluded a very eloquent speech, by doing justice to the administration of the Lord Lieutenant.

*Mr. Parrell* expressed a wish to state a few circumstances connected with the cause and history of the Convention Act. He differed, indeed, much with the right honourable gentleman, in his doctrine concerning toleration; but he wished more particularly, at present, to remind the House, that the Convention Act, as it was called, was an Act brought in by Lord Cläre, in 1793, when the society of United Irishmen were taking steps for opening a formal correspondence with the Jacobins of Paris. The honourable member read several documents, to shew that this was the sole ground on which that measure had been adopted by the Irish Parliament. It was adopted to suppress a faction that aimed at subverting the Government, and establishing an independent republic. He hoped, therefore, that the House would look to the spirit as well as to the letter of that statute—(*Hear! hear!*)—that they would not forget the claims which the conduct of the Catholic Body, their tranquil representation of the injuries they sustained, and their uniformly distinguished loyalty, had so powerfully established on the esteem, if not the indulgence of the House and of the country. The delegates of the Catholic Committee, in 1793, were directed to carry up an address to his Majesty, which address was graciously received; nor was any thing then urged against the legality of that meeting, of whose sentiments they were the organ. Let them remember, that concessions followed close upon that address; and that under the government of Lord Westmoreland the Catholics were first viewed with a favourable disposition. The same persons were afterwards re-appointed members of the Catholic Committee, which continued to sit and manage the interests of their constituents, during the years intervening between that period and the present, unmolested, under the successive administrations of Lord

Hardwicke, the Duke of Bedford, and up to the present time of the Duke of Richmond. In the year 1792 the Catholic petition was rejected in Parliament; and the ground on which this rejection was urged by the then Ministry was, that the petition purported to be signed only by a faction in Dublin, and contained no expression of the sentiments of the counties. (*Hear! hear!*) It could not, therefore, it was then argued, be properly termed a declaration of the wishes of the Catholic Body. Would it be now asserted that the Catholics were disposed to enter into conspiracies to obtain their objects? He trusted their persevering loyalty and discretion, under the most trying circumstances, would preserve them from so unjust an accusation. They had been long baffled and disappointed; the price of the Union had not been paid; and no one measure of those so largely promised as the consequences of that event, had been granted to them. Hitherto the Union had been unproductive of any beneficial effect whatever to the Catholics of Ireland. Surely the late conduct of Government towards them was an act of tyranny and injustice which they little merited.

*General Loftus* declared his opinion to be contrary to those which had been so ably delivered and supported in the course of the debate. He did not believe that there was any difference between the comforts of the lower classes in Ireland, where the Catholics could sit as grand juries, and the lower classes in England and Scotland. He saw no good that was likely to result from what was called Catholic Emancipation; and that the reduction of rents on the part of their landlords, would produce the most real benefit to the largest part of the community.

*Sir Henry Montgomery* professed his disposition to indulge the Catholics, but conceived that the Government of Ireland had acted prudently on the present occasion.

*Sir John Newport* observed, that it had been said, the measure of the Irish Government was necessary, because any delay would have been dangerous. He wished, therefore, to ask, how the honourable gentleman who used this argument accounted for the delay of so many days between the publication of the Catholic Circular Letter, which took place early in January, and the issuing of Mr. Pole's Order on the 12th of February.—Lord Castleross, the son of Lord Kenmare, had actually come up to attend upon the Committee in Dublin. But Ministers now denied informā-

tion to the House, although they admitted that they were in possession of sufficient information to enable them to approve of the conduct of the Irish Government. He felt convinced that Ireland, if properly appreciated, ought to be the source of the deepest apprehension to the Government of this country. He denied that the tone of those who advocated her cause, was not well suited to the gross mismanagement with which her affairs were conducted—the manner in which her wishes were slighted, and her feelings insulted. Insulted they had been by the right honourable gentleman opposite, in more than one instance, but in none more conspicuous than making a learned member of that House (Dr. Duigenan) a privy councillor immediately after he had denounced the whole Catholic body as traitors and conspirators. (*Hear! hear!*) If insult could be implied in studiously avoiding all conciliatory measures, and in the promotion and distinction of those who were the bitterest enemies of Ireland's prosperity, then had the present Government to boast of having most effectually insulted that unhappy country. An honourable General had declared, that he saw no hardships in the disabilities to which the Catholics were subject. Was it, indeed, no injustice to them, that when they contemplated the enviable eminence and exalted stations to which so many persons born with obscure fortunes had honourably raised themselves under the fostering protection of a free Constitution, that they should never be permitted to indulge the cheering hope of beholding their children engaged in the same career of laudable ambition? Could they reflect without a pang, when they heard of the fame of a Hardwicke and an Avonmore, men who owed their greatness entirely to their own exertions, that whatever might be the talents which should distinguish, or the virtues that might adorn and elevate their own families, the paths to these splendid honours and remunerations were shut against them? The consequence of such a system of laws was to excite among those in the same country, who enjoyed superior privileges, a petty and goading sense of superiority which aggravated the injuries of the Catholic. It created an impassable line of separation, and sowed the seeds of eternal weakness and division. The Catholic Committee, it was well known, had recently differed among themselves, on the propriety of petitioning Parliament under the present circumstances of the government of the country. This difference rendered it

necessary to call an aggregate meeting, and then, notwithstanding all the proofs of the tranquil disposition and objects of the Catholic body, an obsolete Act, an Act passed under the worst auspices, in the full rage of the conflict between the awakened sense of the justice of concessions, on one hand, and bigotry and intolerance on the other, was ordered to be enforced against them. Such had been the conduct of Government; and it remained with the House to decide, whether some further information was not requisite, to enable them to form a proper judgment on the question before them.

*The Chancellor of the Exchequer* contended, that there was nothing on the part of Government which justified the charges then brought against them by the two gentlemen on the other side. The Irish Government had adhered to the law, and felt the necessity of its exercise, when the violation of that law was likely to be attended with the most dangerous effects. The imputation of a hostile feeling towards Ireland on the part of the Government was reprehensible, as such observations tended to keep alive that spirit of dissatisfaction, which all at the same time appeared to deprecate. He most sincerely lamented their introduction. Besides, it was to be observed, that it was universally admitted, that though disturbances of a very serious nature, which had led to great mischief and to blood, prevailed in Ireland, yet they had no reference whatever to the question of Catholic Emancipation. Yet this evil, so generally confessed, was still hoped to be remedied by an acquiescence in Catholic claims. If the honourable gentlemen opposite were correct in supposing that it was the cure for the disturbances now prevalent in Ireland, for his part he was ready to declare, that he was distinctly satisfied there was no one quality in their system of conciliation efficient to his object, unless carried to the extent of establishing Popery on the ruins of the Protestant church in this country. (*Hear! hear! from the Ministerial benches.*)—That proposition, under all circumstances, he was prepared to repeat and maintain. With respect to the immediate question, namely, the conduct of the Irish Government in putting into effect the Convention Law, he begged to say, that whether the intended meeting of delegates was Catholic or Protestant, the Irish Government would have felt it to be its duty to have pursued the same course. It was no

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new or unnatural course that they assumed. The proceeding against which their vigilance was directed, was an offence against law; and surely he might assume, that the mere establishment of legal proceedings against the violators of the law, was no ground of Parliamentary inquiry. The honourable proposer of the present motion had charged the Irish Government with rummaging into the obsolete statutes of Ireland.

*The Hon. Mr. Ward*, across the table, intimated that he had not used the term.

*Mr. Perceval*.—It had been used by the right honourable Baronet (Sir J. Newport). The fullest proof of its not being an obsolete term, was to be found in the Circular Letter of the Catholics themselves. They acknowledge the existence of the law—they illustrate, by the very instrument which they have circulated, their apprehension that their course was illegal, and therefore they endeavour, by their proposed suggestions, to conform to its spirit and letter. There was, therefore, in the conduct of the Catholic Committee, the best answer to the charge of revival by the Irish Government of an obsolete act. The Catholics prove they were not ignorant of its existence, neither were they of its application to their case; and therefore they had hoped to evade that law which it was their determination to violate. The House had only to refer to the letter of the Catholic Secretary, and it was impossible more fully to conceive or to describe the duties and effects of a representative body. And he would ask, whether a body of 358 persons, under the eye of Government, thus collected, assuming such a character as they had lately done, were not alone an object of vigilance, but ought to be met by the law which their proceedings went to violate? (*Hear! hear!*) It was far different from the meetings of 1793 or 1796; it went to establish in Ireland a deliberative representative body.—(*Hear! hear!*)—Although on former occasions the proceedings of such a Committee might be winked at, their late conduct rendered the late measure of the Irish Government, not only an act which law authorised, but which they would not have been justifiable in withholding. Still, though the conduct of the Catholics imposed that necessity upon the Government, he had only to look back on the administration of the Duke of Richmond, to assume that it would be acted upon with mildness. The English Government, with the Royal Personage at the head of it,

lamented most sincerely the necessity of a recurrence to such a measure. It had communicated to the Irish Government, that it was their wish and feeling that a measure, the necessity of which they lamented, should be carried into force with as much lenity and forbearance as was consistent with the public tranquillity. There remained only to observe, that there was no impediment by the decision of the Government given to the right of petitioning.— On the contrary, by keeping that right within its due bounds, that security was strengthened which might be endangered by transgression. The prayer of the Catholics would now come before the House with the same character, authority, and importance as it had formerly done. It also was not to be understood that future inquiry was precluded, because the present motion was opposed. Indeed, one should have supposed that all would have felt the propriety of suspending discussion on the subject, until the Minister of Ireland (Mr. Pole) was in his place. He would say now, as he before repeated, that the law was not against the Catholics alone, whose loyalty he was by no means inclined to question.

*Mr. Grattan* said a few words in explanation.

*Mr. Whitbread.*—The right honourable gentleman, the Chancellor of the Exchequer, has this night proved, that there are political circumstances and changes which in their operation can induce men, if not to change, at least to modify even the most conscientious convictions. What! the right honourable gentleman admit that Catholic Petitions must come before us with their due authority and respect—that to Ireland it ever was and will be the feeling of his government to extend lenity and forbearance! (*Hear! hear!*) He, now almost the friend to a dispassionate consideration of the Catholic claims! I am not surprised that after the exertion of a successful ambition, like others of his predecessors, he has kicked down the ladder by which he scrambled up to political importance. (*Hear! hear!*) We have it now admitted by the Chancellor of the Exchequer, (raised by the bye, to his station by far different statements) that he is willing to concede the loyalty of the great body of the Catholics. We this night hear from that source, that the disturbances which agitate Ireland have nothing to do with Catholic Emancipation. I congratulate the right honourable gentleman, this country, and Ireland, on the revolution that has been effected in his opinions; feeling it wholly un-

necessary to comment on the cause of his conversion.—*(Hear! hear!)* It is, however, altogether impossible to forget the libel, which the very formation of his Administration pronounced upon the Irish people—it is impossible to forget, that during that Administration, an appointment (Dr. Duigenan) to the Privy Council was made—an appointment which, even at the time, the right honourable gentleman did not dare to justify—of an individual, who in conversation, and in print, within these walls, and without them, had arraigned the Catholics as traitors to the State. *(Hear! hear!)* Does the right honourable gentleman fancy that his acts will perish? can he suppose that the extorted admissions of this day can compensate for the exacerbated attacks of the former part of his Administration?—*(Hear! hear!)* A gallant General (Loftus) on the other side declares, forsooth, that the Catholics of Ireland labour under no disabilities—but that they are in the enjoyment of all those rights with which men ought to be satisfied. He who makes that statement, is a General Officer. Is he not, as he ought to be, proud of this distinction? Is the Catholic to have no credit for the same feelings of generous ambition? *(Hear! hear!)* Are they to exemplify loyalty as sincere—heroism as conspicuous—genius as commanding as their Protestant fellow soldiers can display—and then to be supposed dead to all the honourable impulses of life, undeserving of all those encouragements and rewards which a grateful country should bestow? *(Hear! hear!)* The gallant General has opened his mouth this night in this House—is he not, as a member of a free state must be, proud of that distinction? *(Hear! hear!)* Can the Catholic enjoy that right? How then, at the very moment when his own act contradicts his statement, can he say that the Catholic of Ireland labours under no disability? *(Hear! hear! hear!)* The Chancellor of the Exchequer endeavours to justify the Irish Government for the course they have pursued. He founds his opinion on the Circular Letter of the Catholics, and the other information which the Government here have received. Upon his own shewing then, namely, that the papers in his possession justify the Irish Government, he is bound to produce the correspondence. For my part, I know of nothing that could justify any Government, to use the words of my honourable and noble friend (Mr. Ward), rummaging into the Statutes of the Irish Parliament, for an Act, conceived in the darkest bigotry—an Act hatched in the revengeful dis-

position of those whose intolerance constituted their only pretension to power—a pretension, such as that which recommended those who now exercise the functions of this Government. (*Hear! hear!*) But then the right honourable gentleman assures us that this restrictive Act will be exercised mildly. How mildly? If executed at all, it must be rigorous. The law commands you to apprehend, and therefore if it be at all put in force, you cannot dispense with the apprehension (*Hear! hear!*) What therefore is the true meaning of this term *mildly*? Why this affected forbearance, this assumed lenity? It arises from this cause, that the Ministers of the Government have been stopped in their career of violence; that the sanction of the Prince Regent has been refused to such a policy. (*Hear! hear!*) There has been a correspondence between the Government here and that of Ireland. Why is it not produced? Let his Royal Highness and the Ministers appear to the country and the world in their true colours. If the information be not produced now, it never will be in our possession. The measure is altogether hushed; it is completely quashed; and, therefore, when we hereafter inquire, the answer will be, that inquiry is unnecessary, inasmuch as the measure was not acted upon. The Gentlemen opposite have on a former day stated their previous ignorance of the intended measure of the Irish Government. I ask the Chancellor of the Exchequer to say, whether he did not see the Circular Letter of the Catholics before the departure of Mr. Secretary Pole? What! no answer? Is the right honourable gentleman as dextrous in his silence as in his eloquence?—

*Mr. Perceval* stated across the table, that he had not seen it.

*Mr. Whitbread*.—Extraordinary, that such a document, published in the Irish papers early in the month of January, —papers received regularly by the Irish Secretary, — should be unknown to the Government here. But surely the Duke of Richmond must have been acquainted with it. Indeed, Mr. Secretary Pole appears, as I have stated in his presence, and therefore may repeat in his absence, to be Lord-Lieutenant in his own capacity. It is now averred that the Catholics, before innoxious, assumed a new character, as was visible from their late discussions. Are we to trace this recent apprehension, which the Chancellor of the Exchequer and Mr. Pole have felt, to the fact of their names being introduced and animadverted on in the late discussion of that body? It is indeed a most unhappy combination of circumstances

that the government of the Prince Regent should be ushered into Ireland, with a measure of harshness and coercion. It was most eloquently remarked by an Irish Member of a late Parliament, that the formation of the Ministry, which the right hon. gentleman had taken such means to establish, had for the remainder of his Majesty's reign entombed the hopes of the Catholics. (*Hear! hear!*) Are the same instruments industriously at work to propagate through Ireland the thought, that their hopes are also entombed through the reign of his successor? (*Hear! hear!*) The right honourable Gentleman says, the law has provided against the Catholic meetings. The law does no such thing. Harsh and unconstitutional as that law was, it was directed against the objects of others. The concessions to the Catholics in 1793 admitted the claims of those who were stated to act for themselves and others. But the Convention Bill was directed against the associations for Parliamentary reform—associations amongst whom were some most distinguished persons, and a present member of this House not the least conspicuous—I mean Mr. Stuart (now Lord Castlereagh). But the Catholics are this night charged by the Chancellor of the Exchequer, with an attempt to evade a law, which it was their determination to violate. One would have thought, after all his affected respect for that body, that no such imputation would be presumed. Would it not be more proper, more correct, and more politic, to infer, even if a violation of law took place, that it did not spring from any predetermined disposition to commit an offence? It had been said that these discussions in Parliament had occasioned the irritation that prevailed in Ireland: but it had been well and truly answered by his right honourable friend near him, that unless these irritated feelings had the means of evaporation in debate, they would lead to conspiracy; that if the Catholics could not proclaim their grievances in open day, they would brood over them in caverns; and what would be the consequence? Although in imitation of the right honourable gentleman opposite he had already gone beyond the question, he must observe that he (Mr. Perceval) had at his entrance into office given a bond, sealed with his honour, that he never would concede the Catholic claims (*Hear! hear!*) Who sanctioned this act of the Irish Government? It was most important to ascertain this, that the character of the Head of the Government here might stand clear, if in reality it was clear; and on that ground he would vote for

the production of these papers. It was highly desirable that the Government of England should stand unconnected with this proceeding, to see whether Mr. Pole had been authorised to carry into execution this civil mode of arrest, or whether he had not been told that he had gone a step too far, and that part of his work must be undone. He apprehended that this was what had actually taken place. Suppose the Committee chose to hold its sittings in England, was there any law to prevent it? Then why should there be any such law in Ireland? He was anxious to see how the matter really stood, that blame might rest where it was due.

*Mr. Perceval* denied that he had given a bond sealed with his honour, never to concede the Catholic claims. He had given no bond except by the expression of his sentiments in that House; and in the present state of the Catholics of Ireland, he saw no hopes of a situation of things that would induce him to change his opinion. He again expressed his confidence that the Irish Government had been warranted in the steps it had taken.

*Mr. Whitbread*.—When I said that the right honourable gentleman had given a bond sealed with his honour, never to concede the Catholic claims, I meant to refer to the manner in which he came into office. A pledge had been required from his predecessors never, while in office, to submit any thing on the Catholic subject. This they refused to give; and were removed. Their successors, I conceive, came in under this pledge, and therefore I said the right honourable gentleman had given a bond, sealed with his honour, never to concede the Catholic claims.

*Mr. Perceval* again denied that he had given any such pledge. The honourable gentleman might argue from his sentiments delivered in Parliament, and say that this was tantamount to a pledge. But he had given no other pledge.

*Mr. Whitbread* rose, but was called to order by *Mr. Yorke*.

*Mr. Whitbread* submitted to the candour of the right hon. gentleman (*Mr. Perceval*) whether, in justice even to him, he might not be permitted to explain. He did not say that the pledge had been given in so many words, or in a writing drawn up for the purpose.

*Mr. Yorke* again rose to order, and appealed to the Chair.

*Mr. Pensonby* maintained there was no disorder, except what was occasioned by him who called for order. The Chancellor of the Exchequer had explained two or three times, and why should not his hon. friend be heard with equal patience?

*Mr. Abercromby* said that his honourable friend's words were directly in explanation.

*Mr. Whitbread* stated, that he considered the pledge as given by accepting office, when relinquished on the sole ground of a refusal to consent to any such pledge. Under these circumstances the King had been deceived, unless the gentlemen accepting office understood themselves to be bound—

*Mr. Yorke and Mr. Fuller* then rose.

*The Speaker* adverted to the inconvenience that must result from allowing these explanations to go into so much length, and thought it better the matter should rest.

*General Loftus* then stated, in explanation, that the majority of the Catholics of Ireland were in no worse a condition than Protestants of the same rank.

*Mr. Fuller* denied that he had risen to order, not being remarkable for his knowledge upon that point. But the honourable gentleman on the other side had thrown out a supposition of the existence of a bond, not to concede the Catholic claims, and all that sort of thing. Why, they wished, it was well known, to have continued in power if they could, and great was the noise and lamentation they made when they went out. There was neither bond nor seal here that he could see, and he was sorry that such charges should be made. He recollected, about thirty years ago, that there was a cry to send arms to Ireland, and some gentlemen, fuming and fermenting like a beer barrel, pleaded in favour of the measure. Accordingly 30,000 stand of arms were sent, and were used in the rebellion against ourselves, for some of these very arms were taken from the Rebels by our troops. He was sorry to say so, but there was something uncongenial—(No, no!) Well—what would you do? Suppose you try this Catholic Emancipation—it would not answer. They would still continue their disturbances under the designation of "*Blue Breeches*," or some other appellation of the same kind. Nothing could put an end to these agitations, unless the gentlemen of Ireland resided upon their property there, and relieved the

poor tenants, by an abatement of rent and tythes. With regard to the question more immediately before the House, (*A laugh*) he did not think that the conduct of the Government of Ireland ought to be discussed now. The Duke of Richmond was a brave and generous man, and would never resort to severity when lenity would serve the purpose. But if mildness would not do, he must have recourse to stronger measures. They ought to wait for further information before they entered upon this discussion, that they might see how the whole matter really stood.

*Mr. Hutchinson* would think himself unworthy of a seat in that House, if he allowed a circumstance noticed by the honourable gentleman who spoke last to pass unnoticed; but in remarking upon it, he would preserve that good humour for which the honourable gentleman himself was generally distinguished. He had been most unhappy in his allusion to the transactions of thirty years ago. He was even inaccurate as to the time, for it was not thirty years since the circumstances which he had so imperfectly described took place. The fact was, that the Irish, ill treated as they had been by Great Britain, asked for arms, and used them in your defence. That gallant nation, having an account still to settle with you, generously lent its aid when it found you in difficulty. Such was their conduct then—and had they since done nothing for you? Wherever your thunder has rolled—east, west, south, or north—have they been absent? Let that gallant people only stand neuter, and he would ask, where was the power and glory of Great Britain? Let them only remain neuter, and the strength and glory of Britain was at an end. The most glorious of your late triumphs have been not a little owing to the exertions of the gallant people whom the honourable gentleman had this night traduced. He wished to say this with good temper, as far as respected the honourable gentleman, but at the same time with indignation, at finding within the walls of that House so much ignorance of the capabilities of Ireland, either for aggression or defence; and he was sorry to say that the honourable gentleman was not the only one to whom this ignorance extended. With regard to the question more immediately under consideration, he was anxious to know whether this act of the Irish Government had the sanction of the Executive Authority here—for if it should go abroad

that this proceeding had been approved by the Regent, and his Government here (No! no!)—he understood the right honourable gentleman to have said, that he considered this as an act of great prudence on the part of the Irish Government, and that it was approved by the Government here—he wished then to know, whether the Regent had instructed his Ministers? (*A cry of Order, Order.*)—Mr. H. then proceeded to correct the statement of the right honourable gentleman opposite, as to the purposes for which the Convention Act of 1793 had been framed. The design then was to put down an armed association of United Irishmen acting against the Government, and having for its object the complete overthrow of Parliament. It had been stated by the Administration of that day, that the Society in question held communications with France, and that its design was to overturn the Government. The Act was brought in upon the spur of the occasion to prevent the meeting of a Congress at Athlone, having, as had been alleged, these objects in view. Did the right honourable gentleman then mean to say that any such object was to be imputed to the Catholic Committee, the assembly against which the Act was now enforced? He maintained that the right honourable gentleman had not dared to state the facts correctly. Would he say, that the object of this assembly was not to petition—but to put down the Parliament and redress their own grievances? Did he mean to say, that it held any communication with France? No—he could not lay any such thing to their charge. Their object was clear; they met in order to prepare a petition for the redress of their grievances. In this their design was to refute the assertions of those who had maintained that the majority of the Catholics did not desire emancipation. They wished as far as possible to collect the unanimous sense of the Catholic body, to shew the fallacy of such improbable statements. The law therefore had by this Act been violated—a law, however, which ought to be repealed as soon as possible, and he intended to give immediate notice to that effect. No difficulty to petition existed in this country, which comparatively was possessed of every blessing. Why then should the difficulty exist in Ireland, where there were so many grievances, and where the exercise of the right to petition was so much the more necessary? But, even if the law did apply, he did not think that under the circumstances it ought to have been

put in execution. If Ireland was in a state so disturbed, notice ought to have been given to the Government here—and if they had notice here, then they were most culpable in not having stated this in the Address, of which the agitations of Ireland ought to have been the most prominent feature. If disturbances existed in Ireland without the knowledge of Ministers, their ignorance was criminal. He concluded by deprecating the dangerous tendency of the system pursued by the Minister, who came down with the Speech to the House at the opening of every session, studiously abstaining from giving any thing like an accurate view of the state of Ireland, and represented this conduct as directly opposite to his duty.

*Mr. Fuller* admitted the justness of all the encomiums upon the Irish out of their own country, but still maintained that they had been in rebellion against us.

*Mr. Ponsonby* would have said but a few words had it not been for the animadversion upon the conduct of those who advocated the Catholic cause in that House. It had been asserted that the tone in which these discussions had been carried on, was calculated to inflame the minds of the people of Ireland, and to produce the irritations unfortunately so prevalent in that country. He totally denied the position, and contended that it was made in the most perfect ignorance of the real state of the case. No, the irritated state of Ireland was not the effect of their speeches. Did the right honourable gentleman (*Perceval*) think that the Irish were so stupid as not to feel their grievances without being told of them? (*Hear, hear!*) His mind was filled with astonishment at the ignorance evinced upon points of the last importance, whenever Irish affairs became the subject of discussion. In June last they stated in his Majesty's speech, that though it had been necessary to impose some new taxes, yet they were not such as would interfere with the growing prosperity of Ireland! Where was this growing prosperity? Where was the evidence of it? Was it in this fact that the whole revenue of Ireland for the last year was half a million short of the interest of her debt, without a shilling to support her establishments; or pay her contribution? (*Hear, Hear!*) Was this too owing to the speeches of the Catholic advocates in Parliament? Could not the people of Ireland know and feel this without hearing of it in Parliamentary speeches? Yes, they knew this, and a great deal more, without being

informed of their grievances by such means. But it would become gentlemen to take care, and not push too far. Let them beware of driving even moderate people in Ireland to the conclusion that the connection with Great Britain was any thing but a blessing. (*Hear! hear!*) A gentleman on the other side (Fuller) had adverted to transactions with respect to Ireland thirty years ago, asserting, if he understood him right, that thirty years ago Ireland was in a state of rebellion. He supposed the honourable gentleman alluded to the period when the Irish Volunteers took arms. For what purpose did the people then arm? Why, to allow the Government to employ the regular troops against the French while they themselves performed the duty of excluding the French from the shores of Ireland. (*Hear! hear!*) The right honourable gentleman (Perceval) alleged that the law was with the Government of Ireland. He was not prepared at present to say that it was; neither would he insist that it was not. But he wanted further information to enable him to decide with certainty whether it was or was not. He wished to have it clearly ascertained whether this assembly had any illegal object in view, except that of petitioning Parliament for a redress of grievances. This was a most material point, because in the last clause of the Act there was a distinct provision, that nothing therein contained should extend to prevent petitioning either the Crown or Parliament for redress. (*Hear! hear!*) He wanted to get at the minds—the real purposes of the assembly. If the circular was colourable—if they had illegal objects in view, or any except that stated in the letter, then, indeed, the Irish Government might be justifiable. But to enable the House to judge whether it was so or not, the documents now called for must be produced. This letter of Pole's denominated the Catholic Committee an unlawful assembly, before any step had been taken except that of circulating their letter: but that letter might never have been acted upon. It had not been acted upon; and yet it was necessary to shew some illegal act in order to prove this an illegal assembly. But then it would be said that offences ought to be prevented. True; but they ought to have waited to see whether any offence was likely to be committed. For his own part, he declared with the utmost sincerity that he knew nothing of any illegal acts committed by this assembly. (*Hear! hear!*) The Magistrates and the Sheriffs had been ordered to arrest. He was not pre-

pared to say whether this order was legal or not, but he was most anxious to see how the facts stood. The right honourable gentleman told them that they would not be satisfied even if they got the information moved for. It was impossible for him to speak with certainty to that point. Facts, which he thought unimportant, might turn out to be most material. Then the right honourable gentleman proclaimed his confidence in the Government of Ireland; but would he engage, when he received further communications from Ireland, to lay the papers before the House? No, he would have the House to judge upon his assertion. The temper in which Irish affairs were discussed, said the right honourable gentleman, had no tendency to allay discontents in Ireland. I earnestly wish, continued Mr. Ponsonby, that the British Parliament would take care seriously to consider in what situation the affairs of Ireland really are. Nothing, I am sure, would promote the British interest in Ireland, so much as an anxious attention on the part of the British members to the state of that country. Rely upon it that it is not by the Convention Act, or any such expedient as that, you can prevent disturbance in Ireland—rely upon it, that while the present system continues in force, Ireland will be to you, what you in your hearts know her to be—a perpetual source of suspicion, jealousy, and weakness.

The House then divided—Ayes 43—Noes 80—Majority against the production of the papers, 37.

Adjourned.

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## HOUSE OF LORDS.

MONDAY, FEBRUARY 25.

### LORD CLONCURRY'S DIVORCE.

On Lord Cloncurry's Divorce Bill, Mr. Dampier tendered in evidence certain letters from Lady to Lord Cloncurry, confessing the adultery, which were objected to by Mr. Garrow and Mr. Park on behalf of Lady Cloncurry. After hearing the learned counsel on each side, the Lord Chancellor delivered his opinion, that the letters were not admissible evidence; but in order that further time might be given for the consideration of the question, his Lordship moved that the letters be admitted in evidence (meaning himself, according to his present opinion, to negative that motion),

and then moved to adjourn the debate upon this question till Thursday next. The motion to adjourn the debate till Thursday was agreed to.

## HOUSE OF COMMONS.

MONDAY, FEBRUARY 25.

LORD ELDON.

*Mr. Whitbread* rose, and spoke to the following effect. Mr. Speaker, in pursuance of the notice which I have previously given, I rise to submit a motion to this House, involving in its result considerations, in which, I conceive, the feelings and interests of the country are materially involved. For those feelings and interests it is of peculiar importance that this House should ever entertain a strict regard; in the question to which my motion shall advert, it is most peculiarly due. For I think it will be allowed, that whatever may have been the character of our political distinctions, history will at least admit, when the party heat of our day shall be consigned to the same silence and obscurity as the party contentions of preceding times—when he who shall write for the instruction of posterity, is removed from the influence of contemporary prejudices, and therefore best calculated to decide with impartiality—such historian will be forced to acknowledge that, notwithstanding any unjust imputation, no people ever evinced, for a series of years, a more loyal feeling of affection and devotion towards the person or government of the present King, than the people of this country. If we look back to the last twenty-five years of his Majesty's reign, we shall find that this is a love and attachment not limited to the impressions of his earlier life, or arising from the prosperity of his councils, but acquiring additional force in proportion to his personal infirmities, and strengthening with his decay. (*Hear! hear!*) If then the people of this country have uniformly felt the highest interest in the health of their Sovereign—if in the days of his strength, they have rejoiced—and mourned with heartfelt sorrow during the visitation of his distress and sufferings—is it not a duty most imperative in its exercise, for this House to apply itself to the investigation, whether such feelings have not been most shamefully deceived, whether the foulest play has not been carried on,

and the person of the King, as well as the attachment of his subjects, criminally abused, in order to accomplish the schemes of certain of his Ministers. (*Hear! hear!*) If I shall shew that such delusion has been practised, and that neither to the King or to the people has there been fair play extended, in such circumstances it is impossible but that the indignation of the country will be aroused, and that it, with me, will loudly call for a full inquiry into these facts, which the House, by agreeing to my preliminary motion, shall put me into a condition, in my judgment, perfectly to prove and to establish. In the year 1788, the period when his Majesty was first afflicted with that calamity, to which he has since been repeatedly subjected, though many rumours were afloat on the subject, the public mind continued for a long time deaf to the statement. Their affection for the King, their fears of the evils which might follow, made the people incredulous as to the existence of the fact; and even when announced by his confidential servants, the country could not give credit to the extent of the extraordinary affliction with which the Monarch was visited. But after it was proved in this House, and Parliament had proceeded to take the due measures to provide for the incapacity, the moment it was announced to the two Houses of the Legislature by a noble personage (Lord Thurlow) then holding the same high situation which Lord Eldon now fills, that his Majesty was so far recovered from his malady as to be expected shortly to resume his functions, the interval required by Ministers was immediately acquiesced in, by the unanimous assent of the Legislature, and the corresponding approval of the country. Whatever heat or dissention the discussions of the question for supplying the Royal incapacity might have produced, were immediately dissipated by the tidings of his recovery and restoration. In Parliament and in the country, the satisfaction was sincere and universal; there glistened in every eye, what was felt in every heart. Twelve years had thence elapsed, when the country learned from the statement of the physicians in attendance on the King, that his Majesty was indisposed. Had the people not been acquainted with the nature of the disease with which the King was before affected, it was utterly impossible to discover the true circumstances of his situation from the bulletins then daily published. It is, however, now notorious, that his Majesty's complaint then, was mental derangement.

Yet, on the 24th of February, 1801, when his Majesty was incapable of any act of sound discretion; when, to use the words of one of his physicians in their examination before Parliament, his judgment was in eclipse; did Lord Eldon, then, as he is now, the Lord Chancellor of this kingdom, come down to Parliament, and in his Majesty's name, under the pretext of the Royal command, give the assent of the King to a Legislative measure. At that period also, it will be remembered, a very remarkable political transaction took place—Mr. Pitt, after having directed the affairs of this Empire, as Minister, for nearly seventeen years, from circumstances now unnecessary to mention, felt it due to his own honour, to resign his seals of office to the King; and was succeeded by a noble Viscount (Sidmouth), who was then placed in that chair, which you, Mr. Speaker, now so worthily fill. At what time precisely, Mr. Addington, after his second election, in consequence of his acceptance of office, took his place, I cannot precisely state. However, on the 11th of March, we know that his Majesty's Physicians ceased to issue bulletins of his health; and from the examination of the same physicians, in the month of December, 1810, we are informed that the bulletins were stopped, in order that the public should think that his Majesty was fully recovered. It is now, however, known, from the same unquestionable source, that, subsequent to the period when these bulletins were stopped, a very serious relapse in his Majesty's malady had occurred; and that, during this period of the Royal incapacity, the Executive authority of the Crown was carried on in the same manner, and under the same sanctions, as if the King were in the full enjoyment of those faculties, which are inseparably connected with the full and complete exercise of his public functions. For though on the 15th of February of that year his illness was very generally announced, yet such was the delicacy of the public and of both Houses of Parliament, that no parliamentary notice was taken of the occurrence at that date. It was true, indeed, that an hon. gentleman, not now a member of this House, gave notice of a motion on that subject; but it having been deprecated by a right hon. friend of mine, it was withdrawn, Mr. Pitt having declared that Ministers would feel it their duty to make a communication to Parliament in the event of his Majesty's complaint assuming any serious aggravated tendency. In the year 1804, when his Majesty was again declared to be indis-

posed, it will be found from the report of the examination of the physicians before the Lords,—a report which it is my preliminary object to have laid on the table of this House, and to deny which can only be for the purpose of refusing all inquiry,—that one of these Physicians has declared upon oath, that the period of the Royal incapacity lasted from the 12th of March, 1804, to the 23d of April of the same year, on which day his Majesty appeared in Council. It is extraordinary that the physicians should have ceased to issue bulletins of his Majesty's state on the 24th of March, although one of these physicians, Dr. Heberden, has positively declared, that the illness continued unabated until after a few days of the 23d of April following. With respect to the transactions attending his Majesty's incapacity in the year 1801—As two of the persons then high in his Majesty's Councils are now lost to the country, and as from the peculiar situation of others, there can now exist little alarm in the nation of a recurrence by the same persons to similar proceedings, it is not my intention to extend the present inquiry to a retrospective consideration of the events of that period. But as in the Act which, under restrictions, we have lately passed to supply the deficiency in the Royal Authority, amongst the advisers of the Queen in the care of the person of the King, and to facilitate his resumption of the Royal Authority, the name of the person is inserted who was Lord Chancellor of this kingdom in the years 1801 and 1804, during the periods of his Majesty's former derangement—as there are now living members of the other and that House of Parliament, Viscount Sidmouth, Lord Castlereagh, the present Lord of the Admiralty (Mr. Yorke), and others who sat in the King's Cabinet in the year 1804; I should think that, either for the object of precaution, and with the hope of example, this House will put me in a situation of proving what I undertake to substantiate, while it will give to those whose conduct I have impeached the opportunity of disproving the charges I shall make. Whether any imputation will ultimately attach to Viscount Sidmouth, Lord Castlereagh, Mr. Yorke, or Lord St. Vincent, who were of the Cabinet of that period, I pretend not to anticipate. That question will be best established by a fair inquiry; and I, therefore, call upon them, by the duty they owe their own characters, to support me in my present proposition. But that blame rests upon my Lord Eldon, and on him most particularly, is

what I broadly assert, and what, if this House will allow me the means, I will undertake to prove. In 1801, when he was Chancellor, a great political event occurred—In 1804, about the period of his Majesty's illness, another great political transaction took place. On the latter occasion two as great political parties as ever contested on this arena coalesced against the Minister, and having divided within fifty of his majority—for it was not then the fashion to retain office even under the pressure of repeated defeats (*Hear! hear!*)—Mr. Addington resigned. It had then been the hope of the country, and it has been avowed to be the wish of Mr. Pitt, that after the heat of nine years political contest, an administration should have been formed, comprising the two great political leaders in this House. At the period when a negotiation for that purpose was going on, Lord Eldon was the only Minister who had access to the King.—Whether it was he who gave the advice which rendered that attempt abortive, there is no opportunity of deciding. Whatever was the nature of the communications which at that time he had with the King, as there were no witnesses, will, most probably, ever remain unknown. That noble and learned Lord did not, in imitation of others of his friends, take a decided part on that subject. He did not, however, like the Attorney-General of that time, (now Chancellor of the Exchequer) boldly and unequivocally declare that no such coalition could take place, as it was impossible that either Mr. Pitt, or Mr. Fox, could both meet at the same Council Board, without either one or the other being guilty of dissimulation. At that time, my Lord Eldon, in the House of Lords, and Mr. Addington, in the House of Commons, were questioned concerning the incapacity of the King. A motion, advertising to that subject, was made by Sir Robert Lawley.—Mr. Addington met that proposition by saying, that the best line he could take, was to return no answer.—However, when pressed by the general feeling of the House, he stated, that there was no necessary suspension of any necessary function of the Executive Authority; but when pressed by Mr. Pitt for a more unequivocal statement of his Majesty's capacity, the Minister answered, that there was no necessary suspension of the Royal functions. That opinion, Mr. Addington observed, he founded on the Report of his Majesty's Physicians, meaning by that, as I believe from good reasons, that he at the time had no

access to his Majesty. However, it is now unquestionably established, that his Majesty was incompetent to the discharge of the Royal functions, from February 12, 1804, to April 23d following. Yet, on the 5th and 6th of March, he found Lord Eldon taking his Majesty's commands on a proposed measure for the alienation of certain Crown lands; and, on the 9th, venturing to come down to Parliament with a Commission, purporting to be signed by the King, at a time when, by the acknowledgment of his Physicians, his Majesty was labouring under mental infirmity. (*Hear! hear!*) At that period, the noble and learned Lord was questioned, in his place in Parliament, as to the competence of the Sovereign. In one of those appeals, which are so characteristic of his eloquence, he vowed to Heaven that he would sooner burn the hand from his body than do an act so unconstitutional, if the Monarch was incompetent; at the same time avowing that he acted upon the peril of his own responsibility. (*Hear!*) That responsibility I call upon the House this day to put to issue. (*Hear! hear!*) I call upon this House to inquire if these transactions did not take place when his Majesty was of unsound mind, wholly incapable of exercising the Royal function; when his judgment, to use the phrase of his Physicians, was in eclipse. But this is not all; for I find that, on the 26th of the same month, a message was brought down, signed by the King, at the very time he was proved to be labouring under mental derangement. During that period, when such unconstitutional proceedings were occurring, the Lord Chancellor Eldon was the only minister who had access to the Sovereign—he was at the very moment in the exercise of the same judicial superintendence over the King, as he is in the habit of holding over unhappy private persons, against whom a commission of lunacy had been issued. (*Hear! hear! hear!*) If these are undeniable facts,—and to prove them so, I think I may pledge myself,—have I not every right to expect that this House, that the Ministers of that day, and the friends of those Ministers, will vote for an inquiry, which will afford them the opportunity of defence; and of which, if they shall not avail themselves, but oppose, then the affectation of admitted responsibility is, on their part, worse than idle—it is insincere. (*Hear! hear!*) It is most material to the country to be informed aright upon this subject, either, if what I have stated be true, it may by present example

guard against future repetition; or, if it be untrue, that its falsehood should be unquestionably established. (*Hear! hear!*) His Majesty, recovering from a similar calamity, is now again about to be restored to the exercise of the Executive functions by the same instrument; and therefore it is highly necessary to protect both the Sovereign and his subjects from being again exposed to such improper delusion. No man, I think, will venture to say, that a King of England can be considered capable of discharging his public duties, though in a state of mental infirmity which would preclude a private individual from being entrusted by that very Lord Chancellor with the conduct of his own private affairs. (*Hear! hear!*) No man will attempt to contend, that the individual would be fit to conduct his affairs during a period when he was placed under the restraint of those attendants which are employed in restraining the insane. This House, I should hope, will not declare that a state of competency, during which the King, though in the morning exhibited in a council, was immediately after placed under personal restraint. (*Hear! hear!*) It is in evidence that his Majesty, from the appearance of the malady in February, 1804, to a period long after the 23d of April, was under the care of a physician (Dr. Simmons), whose immediate province it is, both in a public and private capacity, to attend to persons labouring under mental derangement. My opinion is, that the Sovereign cannot be considered fit to discharge the duties of the Royal office, unless at least he should be in such a state of recovery as would, in the case of a private individual, procure the supersession of a commission of lunacy. Yet with what caution and deliberate inquiry does not the Lord Chancellor, the legal protector of lunatics, proceed, before he decides, to supersede such commission? Indeed, in the course of the noble Lord's practice, there occurred to himself an incident which fully exemplified the propriety of that deliberation and vigilance. He had, as I have heard, applied to supersede a commission of lunacy, upon such grounds, taken both as to time and quality, as left no doubt of the restored sanity of him for whom the learned Lord applied. He was successful in the application, and it was not scarce five minutes after the decision, when the lunatic went to return him thanks for his exertions, that he was then convinced, that the motion he carried was the greatest injury that could happen to the unfortunate man. That source

from which the infirmity springs, and which for a length of time had eluded observation, was now suddenly discovered—by touching on this particular cord, the whole fabric, raised by a species of morbid cunning, was wholly overthrown. It has been said, that at the periods alluded to, of 1804, when his Majesty exercised his functions, there were from the Physicians certificates of competency for the day. (*Hear! hear!*) Will the House of Commons acknowledge the validity of such proofs? (*Hear! hear!*)—Or can they admit that to be a state of capacity, which only shewed itself in casual intervals, and which would not be sufficient to reinstate a private individual in the conduct of his private concerns? I have taken some trouble to make myself acquainted with the principles which regulate the Court of Chancery, in its decisions with respect to lunatics. In the case of the Attorney General *versus* Panther and others, which was an issue out of Chancery to the Court of King's Bench, to try the validity of a will, made under the following circumstances:—The testatrix, Frances Barton, had been previously disordered in her mind; but at the time of making her will, was proved by the attesting witnesses to be of sound disposing mind. No imputation was cast upon the character of the witnesses. The jury found in favour of the will; but the decision not being satisfactory to Lord Kenyon, an application was again made to Lord Thurlow. In that argument it was laid down by that noble and learned Lord, that if derangement be alleged, it must be proved; but that if any lucid intervals have existed, the bulk of proof was to shew the soundness and sanity at the time of the lucid interval; and that such evidence must be as strong and as demonstrative as was the proof of the previous derangement—that it must go to the habit and general demeanour of the person, and not depend upon the existence of any temporary self-possession. I agree with such position, that before capacity be acknowledged, the mental disease shall be wholly dissipated, that there should not remain even a solitary point, the intervention of which would again throw back the afflicted sufferer into all his inconsistencies and delusions. Is it not sufficient to shew, that by previous management, the lunatic could be made capable to execute, at a given time, a given business? We know, that when the habit is so far vitiated as to lead to the most confused notions and unconnected persuasions, that

very given business is the expedient adopted to recall the wandering thoughts. (*Hear! hear! hear!*) I would have liked to cross-examine these Physicians—I would like to cross-examine my Lord Eldon on this point; I would ask him, whether in the exercise of his judicial duty, he would pronounce that person competent, whom he still thought it necessary to continue under personal restraint—not only alone the restraint of the Physicians, but of those subordinate agents who attend in cases of mental derangement?—I would ask, whether at the time, when he, in the name of the King, exercised certain acts of the Executive authority, his Majesty was not under personal restraint, such as I have described? (*Hear! hear!*) I would ask, whether at that time he himself did not exert an authority, which he could have no right to exercise, unless in his judicial capacity, as the legal guardian of lunatics? (*Hear! hear! hear!*) I would ask him, whether he did not at that time possess himself of the keys of the King's private *chacrotire*, and refuse to give them up? (*Hear! hear! hear!*) If it shall be told me that this is all assertion on my part, my answer is, then give me the opportunity to prove it. My motion of this night, if acceded to me, will put me in a condition to proceed to my ulterior object. I say, that from the 12th of February, 1804, to the 10th of June, Dr. Simmons, and his subordinate agents, exercised a control over his Majesty, such as is known to be exercised towards persons afflicted with the deprivation of reason; that during that period Lord Eldon, of all his Ministers, had alone access to the King, and that the noble Viscount (Sidmouth), at the head of that Administration, did not see his Majesty until he went to resign his office. I cannot repeat too often, that the friends of that noble Lord, and of his colleagues, are bound this night to give me their assistance; otherwise it is impossible for them to stand clear in the eyes of the country. In the treatment of the afflicted Monarch himself, there is strong aggravation of his servants' offence. The feelings of the country must revolt, when they find that in the hour of his calamity their Sovereign was at one hour exhibited in the council, then driven from one place to the other, to excite false impressions in the country—paraded in the morning as a King, only to be remanded at night to personal restriction and control. (*Hear! hear! hear!*)

Those who are attached to the Sovereign merely from his personal virtues, must feel indignant at the unfeeling agitation to which he has been exposed. Those who respect the Kingly office, and are anxious for its stability, cannot but deprecate the manner in which its dignity has been impaired, and its security undermined. (*Hear!*) I have already stated the opinion of Lord Thurlow on cases of mental derangement—an opinion given by that Nobleman in 1793; of course subsequent to his Majesty's original indisposition. In 1802, I find that in the case of *Ridgway v. Barton*, even Lord Eldon himself held that the power of the Chancellor could and ought to be extended to persons not deranged or insane, but who were of weak and infirm intellect. He then held it to be the duty of his Court, to extend to such persons its protection against the imposition of designing and interested persons, who might take advantage of the weakness of mind, to obtain a control over the disposition of their property and effects. The care of which such persons stood in need, was not, however, applicable to Lord Eldon's kings. He did not appeal to Parliament. When his Sovereign was labouring under avowed incapacity—when he acted in his name, and alienated the property of the Crown—when he possessed himself of his private keys and papers—when all other of his servants were denied access—when, though hurried from east to west, for the purpose of delusion, in his palace he was continued under personal restraint. That these things have been done, I assert; and, if not much mistaken in the information I have received, shall by proof, if inquiry be allowed, be prepared fully to establish. I will not trespass longer on the attention of the House at this moment, expressing my hope, that if any thing in opposition to my statement shall be made by the gentlemen on the other side, I shall be indulged with the opportunity of a reply. (*Hear! hear!*) The honourable member concluded with moving, “that a Committee be appointed to search the Journals of the Lords for the Report of the Examination in December last, of the Physicians in attendance on his Majesty, and that the same be laid before the House.”

*Lord Castlereagh* began by observing, that as he had been a Minister of the Crown in 1804, he should not do his duty unless he took the earliest opportunity of meeting the charges now brought against the Administration of that period. Delicate and important as the question was, the

House knew its duty to the Sovereign and the country too well to be restrained by any considerations from doing justice on the present occasion; and he fully went along with the honourable gentleman; and even put it stronger, that if the Ministers of 1804 had violated their obligations to the King and the public, the House ought to call them to a most severe account. The honourable gentleman had, he would not say illiberally, but perhaps naturally, directed his particular attention to the conduct of Lord Eldon; who held the same high situation then, as at present. But he (Castlereagh) could not as a man of honour forbear claiming his full share of the responsibility, and of the blame, if there was any criminality, but which he denied. This was not a mere bravado; for he would tell the House, why he considered himself as equally responsible. It was because he was conscious that none of the Ministers would have gone up and taken his Majesty's pleasure on any business; unless the whole of the Cabinet had been convinced that he was in such a state of health as to have rendered it criminal in them to refrain from doing that for which they were now accused.—The honourable gentleman would find, that the evidence on the Lords Journals would not bear him out in all his statements; for he himself could contradict some of his facts. He knew perfectly well, for instance, that the honourable gentleman was mistaken in the assertion, that Lord Eldon was the only Minister that visited the King; between the 12th of February and 23d of April. Lord Eldon was not the only Minister that visited his Majesty in that interval. His Lordship next objected to the extent of the definition of the circumstances, in which competency must be presumed to exist. It was, indeed, so large, that it would cover not only the period of the least remains of disease, but even that of the recovery. This, however, was not a foundation on which he would rest much; he had better grounds to stand upon. The honourable gentleman was then, as now, an ornament of the House—and these facts were then fully in his view. (*Hear! hear! from Mr. Whitbread, and others*). He hoped the honourable gentleman would not allege in his answer, that, it was not perfectly understood then, that his Majesty's disorder was of the same description as that with which he had been afflicted in 1789—and which led to the Parliamentary proceeding of that period. The fact that Dr. Simmons had been called in, was notorious—and if the honourable gentleman regarded these things in

the same light as he did now, it was a gross neglect of duty in him not to have at that time called Ministers to account. (*Hear! Hear!*)—Why did the honourable gentleman pass over the matter at the time? If this doctrine was to prevail; if they were to listen to such accusations preferred six or seven years after the date of the transactions, he would have a just right to charge the honourable gentleman and the House with a design to entrap the Ministers. (*Hear! hear!*) Having made these preliminary observations, he would now come to the main basis of his defence. The nature of the evidence before the Lords was notorious, and therefore the matter was already substantially before the House, and they had to judge whether such a *prima facie* charge was made out against the Administration of 1804 as to call for a Parliamentary inquiry. With regard to Dr. Heberden's evidence, if it was to be taken merely as given before the Lords, it might be considered as affording some colour, though not a real foundation, for this charge. Dr. Heberden had stated before the Committee of Lords, that he had been called in on the 12th February, 1804, and that his Majesty presided at Council on the 23d of April; the interval he considered as the extent of the disease. When pressed with the question whether the malady extended over the whole period, he answered, No; that a few days before the 23d April his Majesty was competent to transact public business; the honourable gentleman might think that except for this, a few days before the 23d his Majesty was not competent; and the implication would, perhaps, have been justifiable enough, if there had been no explanation. Now he did not mean to charge Dr. Heberden with any thing illiberal or improper. A man of his high character would no doubt give the same evidence before a Committee of the House of Commons, as he would on oath before the Lords. His evidence before both was therefore to be taken into account, and the testimony in the one case must be admitted as explanatory of that in the other. The honourable gentleman might have cross-examined Dr. Heberden before the Committee of the Commons if he had chosen. What was Dr. Heberden's evidence there? Being asked, whether he recollected the time when the bulletins ceased in 1804—he answered no; but in reply to a question, whether they were discontinued in order to shew that his Majesty was competent to perform the duties of his situation?—he said, that they were. Now the bulletins ceased on the 22d of March, Vol. II.—1811. U

five weeks before the 23d of April. The honourable gentleman, he hoped, would do him the justice to say, that it was not his practice to evade an accusation, nor to argue a point unfairly. The evidence then of Dr. Heberden, taken together, was, that his Majesty was fully competent to the discharge of the Royal functions on the 23d March. But he had the interval between the 12th February and 23d of March still to account for; and he hoped he should do it in a manner as satisfactory to the House, as it was to his own judgment. They had never then done any act of government without having the competency of his Majesty ascertained by the opinion of the Physicians, and the judgment of the individual whose duty it was to submit the particular act in view to his Majesty, and give the necessary explanation. He hoped, therefore, the Government of that period would be freed from the imputations cast upon them. But he would take higher ground, and maintain, that if the Ministers, under all the circumstances, had not acted as they had done, the honourable gentleman would now have charged them with pusillanimity, and a gross breach of duty to the King and the public. The House would not forget the difficulties of the period, and the temper of Parliament. Though they had not the direct authority of Parliament for what they had done, yet there was enough in the view of the Parliament and the Country to enable them to judge of this conduct of the Administration, and the Ministers might easily collect what was the opinion of Parliament.—(Hear! hear!) He confessed, that under all the circumstances he expected something more than a cold acquittal. On the 12th of February, the first bulletin issued. On the 27th, the subject of his Majesty's illness was noticed by an honourable baronet in Parliament, and then only with a view to a particular point. It was enough for him to state, that on the 22d and 27th of February, the Cabinet examined the Physicians, and the Physicians had declared that his Majesty was competent to perform the Royal functions—and here he referred to the difference between the year 1804 and the present period, with regard to his Majesty's indisposition. When Parliament lately met, it could proceed to no business till it had taken steps to ascertain the want of the Royal Authority, and to supply the deficiency. But in 1804, Parliament was sitting; and in that difficult period, was the House prepared to say that the Ministers, merely on account of an indisposition in his Majesty of a few days or weeks, ought to come down to

the House and suspend the whole of the legislative functions?—They had this to consider, and when it was recollected that the country was then menaced with invasion, and that the most important measures were in progress, he trusted the House would approve of their determination. On the 22d of February, as he had said, the Physicians were examined, and had stated that a very material improvement had taken place in his Majesty's health; and again, on the 27th, they declared that a further improvement had taken place. Being asked whether they thought his Majesty competent to any act of government, if necessary; they answered, that though it would be better to postpone any act, if the public service would allow it, yet that his Majesty was competent. This was the judgment of the Physicians, who were to be understood, in respect of competency, as speaking in the same way as they would of any private individual, imagining that his Majesty was as competent to discharge the Royal functions, as a private individual was to transact his common affairs, or make a deed which an honest man would subscribe as a witness, and which would be valid in law, upon an inquiry into all the circumstances. To disarm the question of some of the jealousy attached to it, his Lordship, while he admitted the importance of the Royal functions, remarked that the public interest was always secured by the circumstance that the Minister was at all events responsible for every act of the Government. His Lordship mentioned that he had made a memorandum of the answers of the Physicians at the time of their examination on the 27th Feb. and therefore he had been enabled to speak to it more accurately. The cause of the desire of postponement by the Physicians was the danger of a protracted discussion to a recovering mind. Notwithstanding the competency of his Majesty on the 22d and 27th February, no act of government had been done by him till the 5th of March.—The honourable gentleman carried his notion of incompetency so far, that he would have an instant suspension declared, though the derangement was merely incidental, and likely to be but of very short continuance. But on the 27th of February, when the subject was mentioned in the House, it appeared that Parliament had a different view of the duty of Government. Mr. Fox thought that the Ministers ought to make a communication to the House, and Mr. Windham agreed with him; but did not think it imperative on the House to take any steps in consequence. But what was the feeling of the House?

Lord Sidmouth stated, that he did not think it his duty to make any communication; and when further pressed, he said, he did not conceive that there was any necessary suspension of the regal functions. The foundation of this statement was the assurance of the Physicians, that his Majesty was competent. Mr. Pitt, whose confidence in the Ministry was not then very marked, argued, and successfully, that it was better that no communication should be made. The Parliament concurred in this so decidedly that the subject was pressed no farther, but abandoned without any division. The course of Mr. Pitt's argument was, that it was infinitely better to leave the matter with the servants of the Crown, who were bound to make the communication when they thought it necessary. Mr. Grey afterwards came down and urged the subject. And Lord Sidmouth then stated, that his report of his Majesty's competency was founded, not on his own observation, but on the opinion of the Physicians. Mr. Grey, upon this, said no more, than that if this state of things continued much longer, he should bring the subject before the House in a more regular form.—Would this have been enough, if it had been thought that the silence of Ministers was so criminal as the honourable gentleman, with no better evidence, now pronounced it to be? In 1801, too, Parliament must have been aware of the nature of the King's malady; for Lord Sidmouth, whom it was in contemplation to appoint to the situations of Chancellor of the Exchequer and First Lord of the Treasury, vacated upon the Chiltern Hundreds, and returned to that House again, and was thanked as a private individual. It must have been then perfectly obvious that his Majesty was indisposed, and there could have been no doubt as to the nature of his malady. On the 27th of the month of February, in that year, while the Bulletins were in existence, Mr. Nicoll gave notice of a motion on the subject, which was received, however, with so much indignation, that it was withdrawn by the proposer. Such was the feeling of Parliament on this subject, to which Ministers naturally attended, in considering what was the line of their duty under such difficult circumstances. He had already stated, that no act of government had been done at the time of the indisposition in 1804, till the 5th of March, when a Bill passed relating to Crown Lands. The Chancellor waited upon his Majesty on the 4th and 5th. It would be recollected that he was the highest officer under the Crown, peculiarly com-

petent to judge in a case of this kind, and sworn to give honest and faithful counsel. The Physicians were examined at that time, and told that it was intended to explain to his Majesty, and to discuss with him the subjects of several Bills then to receive the Royal Assent. They said his Majesty was perfectly capable of doing this. The deliberate judgment of the Chancellor after two conversations, the one on the 4th of March, the other on the 5th, was, that the King was perfectly competent. On the 9th of March the Royal Assent was given to several Bills. One of these was the Mutiny Bill. Now, if his Majesty was thus competent, as upon the evidence of the Physicians, as well as the judgment of the Chancellor, they had every reason to believe, what would have been the situation of Ministers if they had suffered the Mutiny Act to expire? They might, indeed, have come to Parliament for a remedy; but the question was, whether, when such was the opinion of the Physicians, they would not, by taking the Executive authority out of the hands of the Sovereign, do an act tantamount to a dethronement of the King. After recapitulation of some of the circumstances he had before mentioned, his Lordship again stated, that the honourable gentleman was wrong in supposing that Lord Eldon was the only one of the Ministers that saw his Majesty between the 12th of February and the 23d of April; or even the 22d of March; for Lord Sidmouth had seen him on the 13th of March. Lord Sidmouth, then Chancellor of the Exchequer, had attended his Majesty on the 19th of March, with official papers to be signed by the King, and thought his Majesty fully competent to transact business, as the Physicians had stated. The next act was the commission for passing Bills on the 23d of March; at which day, Dr. Heberden, taking his evidence altogether, had declared that his Majesty was most fully competent. On the 26th of March, a message had been brought to the House respecting the Irish Militia, the Physicians having declared, that he was perfectly capable of holding communication with his Parliament. After a recapitulation, his Lordship in conclusion observed, that the principle of incapacitation to the extent contended for by the honourable gentleman, was perfectly monstrous on the face of it—and besides, the whole of his argument was in a great measure overturned by the consideration, that his Majesty's was a case not of insanity, but derangement, as had appeared in the evidence. His

Lordship further observed, that the full and perfect recovery of which the honourable gentleman spoke, was out of the question. How could any body look for a complete recovery in every respect, bodily as well as mental, when the usual effects of such a malady were considered? It was, in truth, impossible that the hurries of which the Physicians spoke, should not at times take place under such circumstances. Yet his Majesty might be fully competent, notwithstanding, as had been abundantly made out in evidence, to exercise the Royal functions. He again claimed for himself a full share of responsibility; and said, they could not touch a hair of the heads of Lords Eldon and Sidmouth without also coming upon him. With that he threw himself upon the judgment of the House (*Hear! hear! hear!*)

Mr. Yorke said, that after the able and eloquent speech of the noble Lord who had just sat down, it was scarcely necessary for him to say a word. (*Hear!*) He agreed with his noble friend that each of the Ministers of that day were equally responsible with the two noble Lords who had been made the more immediate objects of the honourable gentleman's charge, because nothing has been done in that instance by his Majesty's servants which had not been submitted to the previous consideration of the Cabinet, and upon which there had not been full and free communication with all. He had therefore at present little more to state than his opinion, that the statement of his noble friend was correct, and his opinion had been grounded upon reference to memoranda similar to those of the noble Lord, and which, like them, had been made at the time. He had listened to the honourable gentleman with the greatest attention, in order to see what kind of *prima facie* case he could make out; and what did the statement of the honourable gentleman amount to? It was before the House; and he would confidently appeal to the House if it contained one new fact, and this after a lapse of seven years! If there was no new fact, he wished to know why that honourable gentleman, who was so generally on the alert, did not bring forward his charge at the time when the facts were recent? After such a lapse of time, one would expect some strong and extraordinary circumstance; but nothing appeared in the accusation, which might not have been just as accurately and as forcibly preferred in the time at which they occurred. The evidence of Dr. Heberden, as to the probable period of the King's recovery, was

not, neither could it be expected to be, positive. The King's illness commenced on the 12th of February, 1804, and the King appeared in Council on the 23d of April following. But here he could not help noticing the honourable gentleman, why he had founded all his case upon the evidence taken before the Lords? If the honourable gentleman would not answer that, he (Mr. Yorke) would endeavour to do so; and, in his judgment, the probable reason was, that, in the records of that evidence, there could be found a most satisfactory explanation of that part of the evidence given before the House of Lords, on which the hon. gentleman now solely rested his case: but the honourable gentleman seemed resolved to shut his eyes against that explanation—he would not admit it—he would not look at it—he seemed determined not to see it. Much had been said upon the case of a private individual similarly circumstanced:—he had seen his Majesty, had had a long conference with him about, or before the 23d of April—he could not pledge himself accurately to the day, but he could affirm that in that audience the King's mind seemed to be perfect master of itself.—(*Hear!*) The King then appeared to him to be in full as good health of mind and body—to be as fully competent to the discharge of the duties of his station, and to be as competent a judge of those duties, and of the interests of the Government and the Country, as any of those political sages, who set themselves up as patterns of statesmen—as men who would claim an exclusive patent for all the talents, and all the honesty in the country. (*Hear, hear, hear! and a laugh.*)

*Sir Francis Burdett* said, that while he agreed with the honourable gentleman who spoke last in censuring the absurdity that would limit genuine patriotism to sects or parties, he could not agree with him in thinking that any thing had as yet been said in opposition to the motion before the House. He did not now therefore rise to refute what was unworthy of refutation, but rather to give his passing comment upon one or two vague doctrines which had escaped the noble Lord in the course of his long speech, and which were not refused the sanction of the honourable gentleman who followed him. That honourable gentleman had spoken of a set of persons whom he described as not in any respect qualified for that station to which they pretended; who they were to whom he so alluded, he (*Sir F.*) could not say; but nothing that could fall from that hon. gentleman should

deter him from doing his duty. That gentleman and the noble Lord were both most anxious to be held responsible, but they seemed not equally anxious of coming to the test. If they did right, they can fear nothing from investigation; but they have also tried to meet charge by charge. The hon. gent. (Mr. Whitbread) was charged with negligence, in not bringing it forward before. Was that a reason why it should not be brought forward at all, or that it should not be entered upon now that it was at last brought forward? (*Hear! hear!*) This was a curious mode of answering an accusation. He protested against the principle, that Ministers should ever be allowed to plead time as a bar against the prosecution of their offences. In what he thought better times, no such plea would be admitted. Formerly the notoriety of an alleged grievance was thought sufficient ground for inquiry; but now it appeared as if every person who instituted a charge in that House was criminal if he did not ultimately succeed in the full proof of it. An honourable gentleman had said, that there was no new fact—the fact already stated was at least new to him (*Hear!*) The Ministers had usurped the Sovereign power—the King had been under restraint at the time that he was acting as King—and this was the principle which, in the earlier periods of their history, had laid the foundation of many of their most penal statutes against favouritism, under which both the Gavestones and Despenchers had suffered; and one of those statutes spoke of the King as under strict guard and restraint. He protested against that principle of responsibility which made every man and no man responsible of the Ministers. The House could not punish a whole Cabinet; it therefore selected the officer in whose immediate department the offence complained of occurred; and it was no sort of justification to plead the acquiescence of a Cabinet, a something unknown to the Constitution (*Hear!*) The honourable Baronet then proceeded to comment, in terms of ridicule, on the volunteering generosity of the noble Lord, to participate in the responsibility of other men. He really thought the noble Lord had quite enough to answer upon his own score (*A laugh, and Hear, hear!*) With respect to the charge preferred, it related to a fact. That fact was not controverted; and if the King's office was not a mere puppet, made for the purpose of coming down in a gilt coach to meet the Parliament occasionally, this act of the Ministers amounted to a high crime and misdemeanour. If they could

go on without the Kingly office, they were innocent; but as he thought that while the constitution existed they could not do so, he should vote most cordially for the motion.

*Lord Castlereagh* rose to explain.—The hon. Baronet had made allusions to him as a person sufficiently oppressed with the weight of personal responsibility—He had only to ask of that honourable Baronet to prefer against him any charge which he thought worthy the attention of the House. He would meet it fairly, and he hoped the honourable Baronet would bring it forward in the same open, candid, and manly manner, as the honourable gentleman (*Mr. Whitbread*) was accustomed to prefer his charges. (*Hear!*) One thing he must take the liberty to add, and that was, that he trusted the honourable Baronet would confine his attacks to those places where he (*Lord Castlereagh*) could answer them, and not where he could have no opportunity of defending himself. (*Hear! hear!*)

*Sir F. Burdett* replied, that at all times, and in all places, he should state his genuine opinions of the noble Lord's public conduct, according to the dictates of his own discretion.

The question was here loudly called for, and strangers were withdrawing, when

*Mr. Whitbread* rose to reply. He said, that as the House was on the point of dividing, he presumed that there was no gentleman present who intended to offer himself; if there was, he (*Mr. Whitbread*) now called upon him to rise, and he should most cheerfully give way; if there was not, he should proceed to reply to the little which had been said, premising at the same time that it would not be fair towards him in any gentleman who intended speaking, not to speak now, but wait till he had concluded. He had waited a considerable time in deference to the feelings of two individuals more nearly connected with one of the noble lords (*Sidmouth*), and he had waited for some time in respect to the feelings of that honourable gentleman, who certainly was present, yet who had been marvellously silent.

*Mr. Bathurst* did not think that any honourable member had a right thus to allude to private matters no way connected with the matter before the House. If, however, the honourable gentleman wanted a reason from him why he did not speak, he frankly owned it as his reason, that, were he to speak for an hour, he could not add one word to the able speech delivered by the noble Lord (*Castlereagh*). (*Hear!*)

*Mr. Whitbread* then said, that as the House were not likely to have the benefits of that honourable gentleman's powers, he should now proceed at once to reply very briefly to what had been advanced; and, in the first place, he contended that not one of his assertions had been contradicted. He had stated nothing but facts, and nothing, of all he had asserted as facts, had been attempted to be contradicted. He had, indeed, waited for the attendance of the right honourable gentleman (*Mr. Bathurst*), and it was most true that he had attended; that he had, according to his own shewing, heard the best defence that could be offered in behalf of his noble Relative; and though that defence did not attempt to question the truth of any one of the facts, yet the right honourable gentleman had thought it prudent and discreet to give a *silent* vote upon such a question. "The case (said *Mr. Whitbread*) is before the House. I rest it upon a statement of facts, and that statement is not attempted to be controverted; the alleged facts are not disputed by that noble Lord, to whose speech, in the opinion of the right hon. gentleman (*Mr. Bathurst*), nothing can be added in behalf of the persons implicated. To the noble Lord, for his abundant personal civility, and still more for the very liberal credit he seems disposed to give my motives, I have to return my thanks; but if justice requires me to pay this tribute to the liberality of the noble Lord, it exacts from me a very marked distinction between the embarrassing kindness of the noble Lord and the frank hostility of the right hon. gentleman (*Mr. Yorke*). I certainly cannot charge him with too much liberality in construing my motives; but I crave nothing of the right honourable gentleman. He may continue to think of me as he will, while I shall endeavour to console myself under the consciousness of honest intentions. With respect to the noble Lord, I must again say, what I have said before so often, that really the noble Lord is at times quite merciless in his kindness. (*A laugh.*) He meets a political antagonist in a way so polished and so gentlemanly as to disarm his adversary of the ordinary means of defence. (*Hear!*) I confess the right honourable gentleman (*Mr. Yorke*) cannot justly be made the subject of a similar charge. (*A laugh.*) He does not embarrass one with the mild civilities of his air and manner. (*A laugh.*) He comes upon you, in his own direct way, which, though perhaps not more conclusive than that of the noble Lord, is certainly

much more bouncing. (*A laugh.*) However, they both agreed in one point, that as the hair of Lord Eldon's head ought not to be touched without subjecting their own hair to similar fatality, it was wisest and best to vote in the first instance, that there should be no inquiry at all. The noble Lord had ridiculed the idea of ministerial influence regulating the conduct of Parliament at that time. No doubt it was a most extravagant notion; but the noble Lord could not pretend to the influence of his honourable friend now in power. I cannot pretend to say what that influence may be, but the right honourable gentleman is fully competent to decide upon the growth and extent of it; for it did happen, that, in other times, the right honourable gentleman thought fifty too small a majority to keep him in power; but now, ten or a dozen majority against Ministers are too few to turn him out. (*A laugh.*) What had been said about pattern legislators and so on, may be very pointed and good when we come to find the application. The gentleman meant, perhaps, to say something against somebody; but as I am utterly ignorant of what it may refer to, perhaps I would not err very widely in attributing to that bouncing manner to which I have before alluded, that sort of air that will attempt to make weak things strong by speaking them in a strong way. The mistake may not be peculiar to the right honourable gentleman; but I recollect when he was one of the Ministers in 1804, his tone to-night reminded me of what he was then under certain circumstances of provocation—and, indeed, those circumstances were rather irritating. There was Mr. Addington at the head of the Government; and really the poor man was much to be pitied; (*A laugh*) night after night he had to answer Mr. Fox, and to be answered by Mr. Pitt! need I say more? what could the poor man do, thus placed between two such grinding stones? (*General laughter.*)—Still, however, was the tone of the right honourable gentleman (Mr. Yorke) unsubdued, and he bounced about with as much energy and as much effect as to-night. And it was of this Government that the noble Lord had said that Mr. Pitt had not at that period distinguished it with peculiar marks of his confidence. Confidence! Really the noble Lord has such an inverted mode of disguising things by words, that one would suppose the greatest possible favour which could be conferred on the noble Lord would be actually kicking him out of office (*A laugh*). The noble Lord had argued

that if the Government had not acted as it then did, they would have been the most miserable creatures; but so were they charged by Mr. Pitt to be. He did not mince his meaning. He thought them very miserable men, men miserably deficient in the conduct of the affairs of this country, and men who consequently ought to be removed from the conduct of them; this was Mr. Pitt's opinion, and he acted upon it, for he left no effort untried till he succeeded in driving them from the helm. But much has been said upon the presumed competency of the King at that time, as any private individual might: the question had been touchingly put: Did the King do that, which, had he been a private individual, he could not legally have done? It is contended that his competency was the same: I deny it; and I am willing to come to the test upon that single point. How is this to be decided? By the papers I call for. You say that he was as competent as any private individual, whose restoration had been legally recognized—I challenge you to the proof of that. I affirm, without fear of contradiction, that had the King at that period been tried as a private subject, that the Lord High Chancellor, whom I now accuse, would have pronounced him incompetent for business. (*Hear!*) [Here Mr. Perceval signified his dissent.] The right honourable gentleman may toss his head—but this is all that he can do—if he could have done more, we should have heard him—as speak he must, for whom has he to speak with him? (*A laugh!*) It had been figuratively said, he believed, that the blind, the halt, and the lame, had been enlisted in his service; but, it appeared, that his choice took in the *dumb* also. His right honourable Colleagues were dumb from the old reason, that they could say nothing upon any subject; and the right honourable gentleman (Mr. Perceval) can be dumb, only because it is a subject upon which nothing can be said; for surely, if any thing could be said, that right honourable gentleman could do it. Mr. Whitbread next proceeded to comment on the facts asserted by him, and which had not been attempted to be contradicted. He asked if there was a man in England who believed, who suspected that at the time the King signed a Commission, he was at that moment under the coercive care of Dr. Simmons and his keepers? (*Hear! hear!*) He then recited the facts stated by him in his opening speech, contending, as he went along, that not one of them had been denied, much less refuted; and

concluded with putting it to the House, that if the King should shortly recover and again unfortunately relapse, where were the provisions for the integrity of the Executive Power, if the conduct of the Ministers in 1804 were to be sanctioned? But if that conduct was thought unworthy of that sanction—if it was not to be excused—he called upon the House to say how they could, consistently with their duty to their country, negative his proposition.

The House then divided—Ayes, 81—Noes, 198—Majority against the motion, 117.—Adjourned.

## HOUSE OF COMMONS.

TUESDAY, FEBRUARY 26.

### NOTICE.

*Mr. Whitbread* gave notice, that he would on Monday next move for a Committee on the State of the Nation, for the purpose of adopting some permanent measure to guard against the inconveniences which might occur, though he hoped they never would, from any future similar relapse of his Majesty as that which had lately taken place.

### MILITARY PUNISHMENT.

*Colonel Wardle* rose, pursuant to notice, to submit to the House a motion with respect to Corporal Curtis, late of the Oxford Militia. He should begin by stating, that the individual to whom his motion related was unknown to him; and he had never spoken to him or seen him. The officers who composed the regimental Court-martial were also unknown to him; but with respect to the Colonel of the Oxford Militia, he would say that no man possessed a higher character. (*Hear! hear!*) Several of his friends were well known to the Colonel, and thought most highly of him. He was convinced that no blame was to be imputed to him, but he conceived that he had been much misled by the misrepresentations of others. As this subject appeared to him worthy of being submitted to the consideration of the House, he would have wished for an opportunity to have conversed with the man; and went down to the sea-coast, in November last, for the purpose of visiting the man, who was then confined in the hospital at the Isle of Wight. The wind, however, blew so hard, and was so

soul, that he could not get over to the island. Some of his friends, however, had asked to see Corporal Curtis, and they were told that neither they nor himself (Mr. Wardle) would be permitted to see him without an order either from the Commander in Chief or the Adjutant-General. He wrote to the Commander in Chief for permission, but was refused unless he could produce proofs that were not then in his possession. He was at a loss to know what there was in the military law, which could justify a Commander in Chief, after a man had been cruelly flogged, to place him in a much worse situation than a condemned felon, who is allowed to see his friends and acquaintances. The case of Corporal Curtis, (as he understood it) was as follows. He was a young man of very respectable parents, and was brought up with superior expectations, but was induced in the year 1808 to enter into the Oxford Militia for a large bounty. In 1810, he was a Corporal in the regiment, and a clerk to the pay-master. On the 23d of June in the last year, he made complaints to his Colonel of abuses in the regiment. He complained, 1st, that an order for giving the men three pair of shoes in two years had not been executed; and 2dly, he complained of the improper detention of pay from the men, under the pretence of stoppages on account of some articles of clothing (or regimental breeches) which had never been delivered. These stoppages had been for five months, and the clothing was not given. The stoppages for these five months had no other authority but the verbal order of the Lieut.-Colonel. He believed it was a thing almost unprecedented, that a whole regiment should be under stoppages for articles which Government were to furnish. At the end of eight months the only excuse for not giving the clothing was, that the men did not want them. The 106th clause of the Mutiny Act expressly stated "that if any paymaster, agent or clerks should unlawfully detain or withhold any pay due to the regiment for more than one month; or if any officer, having received the pay, should retain it in his own hands, such officer, on being found guilty thereof by a Court-martial, should, besides what other punishment the Court-martial should inflict, pay a penalty of 100*l.* to the informer, who, if a soldier, was also to be entitled to his discharge. This clause was quite explicit, and did not leave the Colonel or the General of the district any discretion upon the subject. He had received an account of what had happened from a gentleman who

was introduced to the general Court-martial, for the purpose of taking the depositions, and who was ready to verify the same at the bar of that House, or any where else. It appeared from those depositions, that when Corporal Curtis first made his complaint, the Colonel was excessively angry, and threatened to try him for mutiny; to which Curtis replied, that as he came up alone to make his complaint, he could not be tried for mutiny. On the 23d of June, he attended the Colonel and Lieutenant-Colonel, and the book of orders being produced, he was called upon to shew the order with respect to the shoes or the breeches. As he knew nothing of their books or the manner of keeping them, he was unable to do this. On the 26th, he was confined for improper conduct in having been seen in brown clothes, at a mile distance from head-quarters. For this offence, he was by the sentence of a Court-martial reduced to the ranks. It appeared, however, that he was the Clerk to the regiment, and in that capacity had been accustomed to wear coloured clothes. As to his being a mile from the head-quarters, he was returning from the post-office, where he had just put in a letter to Lord C. Somerset, the Lieutenant-General commanding the district. In this letter, he stated that he had a complaint to make against the quarter-master for improper detention of pay, and that he had stated it to his Colonel, who refused to give him satisfaction. He stated further, that he wished to take the advantage of the 106th clause of the Mutiny Act. It appeared to him (Mr. W.) that this statement was not improper, as the Colonel had not given Curtis the opportunity of proving his complaints before a Court-martial, as he was entitled to do. This letter was sent by Lord C. Somerset to the Colonel of the regiment. The Colonel, in answer to it, said that he was not aware that any charges could be made out against the Quarter-master; and that, as to the breeches, the men were aware that they were ready to be delivered, but that they did not then want them. He also stated, that Curtis came up to him in a very improper manner to make his complaint. The fact, however, turned out to be, that the breeches were not ready for delivery at that time, nor even so late as July. As to the impropriety of manner in which Curtis made his complaint, the Colonel was walking on the drill-ground, when he came up and mentioned it to him. In the case of Governor Wall, the Lord Chief Justice was of opinion, that the man who died of the punishment he

he received in Africa, had done no more than he had an undoubted right to do, in complaining to his officers of a detention of pay; and it then appeared to the Lord Chief Justice, that if a Colonel was to check such complaints, it would have the appearance of his being a partaker in the plunder. Curtis had made his complaint regularly to his Colonel and his General. His Colonel was applied to by him to try these charges by a general Court-martial instead of a regimental Court-martial, but he refused. In a regimental Court-martial, it was well known that the officers were more connected with each other than they were in regular regiments, and this might produce a sort of bias (*No! no! from the Ministerial Bench.*) That they were more connected was evident, and there was no accounting for feelings on such a subject. A general Court-martial, on the other hand, was composed of men who were chiefly strangers to each other, and therefore it was a Court which appeared more suitable for trying charges against an officer. The prisoner was refused the usual intercourse with his witnesses and with his counsel, previous to the trial; and even a great coat which he before had was taken from him, and he was obliged to lie on the bare boards. Two other privates, Bellis and Reeve, also gave a statement of other abuses; but the Colonel said he would take care of them too. They were brought before a Court-martial, and threw themselves on the mercy of the Court. They were sentenced to 500 lashes, which was remitted on their volunteering for foreign service. It appeared that at the time of the trial of Curtis, the Quarter-master, Serjeant Fox, publicly threatened and endeavoured to intimidate the witnesses of Corporal Curtis; and on the steps of the Court publicly swore, that Curtis was a d——d rascal, and so was every one who took his part. Another Serjeant publicly held out the expectation of twenty guineas and their discharge to any soldier that would prove that Curtis had spoken disrespectfully of his Colonel. The charges were, first, for endeavouring to excite discontent and mutiny in the regiment; of this charge he could not find a single tittle of evidence. The next was that of his having spoken disrespectfully of his Colonel: it must, however, be allowed, that if he had spoken improperly of his Colonel, his mind was under considerable irritation at the time. He considered that he had been refused the satisfaction to which the military law entitled him. He had conceived himself to be entitled to

1000. and his discharge. The language, however, he had used concerning his Commanding officer, was not a thousandth part as bad as what had been said of his Commanding officer by a gallant Admiral (Admiral Harvey), who had since been restored to the service. He thought some similar allowance ought to be made in the present case. It was in the recollection of all, that some German soldiers had been taken in the act of desertion, having stolen a boat for the purpose of going over to the enemy. They were taken and tried: but were they sentenced to be flogged?—No! he believed they never did, nor never dared to put a lash on the backs of German soldiers; and he saw no reason why British soldiers alone should be exposed to that severity. It was on the 5th of August that Curtis received his punishment. He was at that time so sick and weak, that he was obliged to be supported while they tied him to the halberts. During his punishment he fell into frequent fainting fits; and having received 200 lashes, he got his election either to take the remaining 800 lashes, or to rot in the West Indies. He, of course, preferred the latter. Although he had only received a fifth of his punishment, he was confined from it in the hospital, from the 5th of August to the 14th of November. Colonel Wardle then read a letter from Curtis, written twelve days after the flogging, wherein he mentioned, that “he would have been very glad if he had been able to bear the remaining 800 lashes, instead of being sent to the West Indies; but the 200 had been administered with such extraordinary severity, that it was not possible for him to bear more. His back was one complete sheet of corrupted matter, which drew from him all his strength, and made him almost unable to stand.” Having stated so much, he thought it was unnecessary to detain the House with many observations. He trusted, that if the House would grant him a Committee, he would be able to substantiate by proof those facts which he had stated. He concluded by moving for a Committee, to take into consideration the case of Corporal Curtis.

*Sir Francis Burdett* seconded the motion.

*Colonel Langton* was anxious for every species of inquiry. He was ready to meet all that could be brought forward against his conduct as Colonel of the Oxfordshire Militia. Thoroughly convinced as he was of the danger of

allowing insubordination to creep among the soldiery, he had done nothing that was not necessary for the preservation of discipline. At this time, when every thing depended upon the fidelity and obedience of the army, it was not to be held out as a crime, that men, sowing the seeds of disunion in the army, should be brought to a court-martial.— (*Hear!*) Neither he (Colonel Langton), nor any of the officers of the regiment, wished to evade the strictest inquiry, because they knew the more strict it was, the more clear the character of the Oxford regiment would come out before the country. (*Hear! hear!*) He was not accustomed to speak in that House, and would beg permission to refer to some papers. (Here he read the evidence of the two men already alluded to, as to the offer of the twenty guineas for proof against Curtis, which offer they positively denied.) [Colonel Langton then read a letter from Curtis himself, acknowledging his error, and thanking the Colonel for his generosity, in allowing the punishment to be commuted for service abroad. This letter was signed by Curtis and the Adjutant, with the declaration of the latter, that Curtis signed it with every mark of sincere regret for the part which he had taken.] He (Colonel Langton) had been thirty years in the Oxford regiment, and during that time he had never refused a soldier his fair demand. Curtis said, he was entitled by the regulation to three pairs of shoes in two years: the regulation actually was, that three pairs in two years were allowed. Another of his demands was relative to the stoppages for breeches. Curtis required that he should have two pairs of breeches in the year; if he wanted breeches at the time, he should have got them for asking; but he had actually a good whole pair on him at the very time of his complaint. (*Hear! and laughing.*) After some further details, Colonel Langton apologized for taking up the time of the House. He had been in it for sixteen years, and he had never presumed to address them before; he hoped he should never have reason to trespass on them again. (*Hear!*)

*Mr. Mannors Sutton* courted all inquiry on any subject that could with propriety be brought into discussion; but it would be only on a case that would have some ground of probability stronger than the one before the House. On the present subject, however, a very simple statement would, in all likelihood, be satisfactory to every man who came with an unprejudiced judgment to the debate. The first

complaint of Corporal Curtis related to shoes and breeches. He demanded three pairs in two years, or, as he termed it, three shoes a year. This he stated to be the regular allowance, and uniformly made. It had happened, that in 1804, two pair of shoes were given in the year. It was the year of entering from the Supplementary Militia. The men received a pair as supplementary, and a pair as militia men. They thus had two pairs. But it was found, that one pair was sufficient, and five shillings was allowed for the pair, which money was not given immediately to the men, but put to the account of other articles, which were paid for out of the soldiers' stoppages. Curtis applied to the Colonel as to the stoppages for shoes and breeches. On the subject of shoes, the regulation shewn to him proved, that he was wrong, and he went away seemingly satisfied. He demanded the second pair of breeches, and was told, he should have them if he wanted them. He got them, without informing the pay-serjeant, who was to make the stoppage; and it was only when he was refused the third pair, that he demurred. (*Hear!*) Government allowed a stoppage of eighteen pence a month to be made, taking the breeches at seven and sixpence a pair; and if the breeches were not required, as was in many instances the case, the money was returned to the soldier. (*Hear!*) Curtis was brought to a court-martial, for being found a mile from his quarters, and in coloured clothes. He had the conversation with his Colonel on the 25th, but lost all memory of it on the 26th. But this was nothing; for nothing was more natural than for a man to forget this day, that he had seen a particular person the day before; (*hear! hear!*) or that he had altogether forgot the conversation which he had held the day before. (*Hear!*) The honourable member (Colonel Wardle) could not have so far forgotten the habits of his military life, as not to know, that in a regiment of the line, at least, the commanding officer might reduce an offender to the ranks without any court-martial. In the mean time, Curtis was arraigned of other charges, charges not relative to clothing, but incurred previously to the sitting of the court. It might be almost said, that it was fortunate that the honourable member had fixed upon the Oxford regiment for his peculiar attack; for nothing could better bear sifting to the bottom than the conduct of the officers in the whole transaction. Curtis demanded a general court-martial. As to the circumstance of the trifling tumult

which was said to have taken place on that occasion, and which the honourable member (Colonel Wardle) mentioned to the House, as merely a slight stir; he (Mr. M. Sutton) would say, that the person who acted as Deputy Judge Advocate on that occasion wrote to him, to know how the court was to be relieved from the confusion which was taking place. His (Mr. M. Sutton's) answer to the letter was, that the court must make itself respected; that if any military man disturbed the court, he should be committed; and any other should be taken before a magistrate; and he (Mr. M. Sutton) would be pledged to have him prosecuted at the next sessions. Yet this was the slight stir which merely flashed across the honourable member's recollection, and which he mentioned to the House as a piece of accidental information. On the court-martial, Curtis was acquitted of the first of the three charges. He was found guilty on the second and third. The second was, for saying that "he would tear the coat off the Colonel's back," and "that he would cashier the heads of them." When he was advised to consider what he was about, he said "that he wanted no counsel—he had good advice." The charge was not laid as mutiny, and therefore the punishment was not capital; but it was quite proper that the sentence of such a court should be no matter of lightness. They had exercised a sound discretion in awarding a severe punishment for so serious an offence. The honourable member might think that such a punishment ought not to be inflicted; but it was eminently wrong, for any purpose of popularity, to come down to that House with a string of unfounded statements which must go forth from the House to the public. The honourable member went so far as to demand of the Commander in Chief leave to put written queries to the prisoner. (*Hear, hear!*) Perhaps the honourable member forgot that. (*Hear!*) But if he had any doubts on the subject, perhaps the simplest mode of removing them would be to read his own letter. (Here Mr. M. Sutton read a letter from Colonel Wardle to the Commander in Chief, mentioning that he had come to Portsmouth to see the person who had been punished, and finally requesting that a gentleman might be allowed to go over to the Isle of Wight, to put written questions to Curtis.) The Commander in Chief answered him, that he would be obliged by the Colonel's statement of any grounds of inquiry, as nothing could give him greater satisfaction than to do justice.—

(*Hear!*) Colonel Wardle wrote back, that he would give no statement; that he demanded, as a Member of Parliament, nothing more or less than that the Commander in Chief should actually stay proceedings on the subject, during Colonel Wardle's pleasure. (*Hear!*) If it were really that honourable member's object to do good to the service, his judgment was most lamentably deficient. Did he actually think that he was doing good to the Army, by standing forward as the advocate of every open, avowed, convicted culprit? The House had apparently made it a rule not to interfere with military matters, except in cases of obvious importance. But the honourable gentleman seemed to think it his best privilege to hunt out and bring those unsuitable subjects perpetually before the House.—He seemed to think that he had a kind of roving commission for all charges of that nature. (*Hear!*) With respect to Bellis and Reeve, the two soldiers who were stated to have been sent abroad for their testimony in favour of Curtis; the plain truth was, that on the trial they brought forward written calumnies against their officers—that they were tried for those calumnies—that they were found guilty, and their sentence of 500 lashes each was commuted into foreign service. This was called, sending them away for their testimony on the trial. If there ever was a case of a court-martial which would bear the most minute and intimate examination, it was the present one. Mr. M. Sutton concluded his speech, by declaring that it was impossible he should assent to the motion, under all its circumstances.

*Sir Francis Burdett* observed, that if the honourable gentleman would be advocate, judge, and witness, in the same cause, as the honourable and learned gentleman who had just spoken appeared to be, it could not be surprising that he should carry every thing before him by the force of his own assertion. This, without meaning any disrespect to that honourable and learned gentleman, seemed to him to be precisely his situation. To the facts stated by the honourable gentleman who brought forward this motion, which were represented as founded only in assertion, the honourable and learned gentleman had replied only by assertions: so that in this respect both that honourable and learned gentleman, and the honourable member who made the motion, were placed exactly on the same ground, with this exception, that the latter undertook to prove and make

good all his assertions. It had been said indeed, that what had been stated by the honourable gentleman near him (Mr. Wardle), was not founded in fact; but how could that be known, unless he were to be at liberty to prove the correctness of his statements? By the reasoning of the honourable and learned gentleman opposite, all was to be taken for granted which was asserted on his part, whilst every thing was to be questioned which was advanced by the other honourable member. With respect to the honourable Colonel who had been adverted to (Colonel G. Langton), he would be the last man whom he would suspect of being guilty of the oppression, or of the other charges implicated in this case. But as far as he could collect from the statement of the honourable gentleman, the charges were directed not so much against the Colonel, or the Lieutenant-Colonel, as against the Quarter-Master of the Oxfordshire regiment. It appeared to him, however, that when charges were preferred by Corporal Curtis against a commissioned officer, the Colonel had no discretion but to grant it. When this was refused, it was natural for the man to say that he had not justice done him. The next step was the appeal made to the Commander of the District, which had been represented as mutiny. How an appeal to a superior officer could be construed into an act of mutiny, he was at a loss to conceive. When Curtis had preferred his charges, and thought he was to go to trial for having made them, he found he was to be tried for another offence. The being absent in coloured clothes more than a mile from quarters, might be a military offence; but as not only Corporal Curtis, but all the men in the regiment, were in the habit of going to Arundel, it was not to be expected by him that he should be tried for such an offence. This seemed to him to be a mere trick. What was the consequence? He was deprived of his appeal to a general court-martial, which he would have had if his charges had been tried. He believed from the statement, that the Colonel, in refusing the court-martial on the charges preferred by this man, had been guilty of a breach of the articles of war. As to the severity of the punishment, and the cruelty of its nature, though fit topics to be discussed on another opportunity, they formed no part of the question under discussion; and it would be unfair to make them a part of this case. He, however, knew of no law, human or divine, that authorised the infliction of a punishment which human

nature was unable to bear. It appeared in this case, that twelve days after one-fifth of the punishment had been inflicted, the individual was scarcely able to stand. It had been objected to the honourable member, that he had dealt in insinuations: but it appeared to him, on the contrary, that the honourable and learned gentleman opposite had thrown out some heavy insinuations against the honourable mover of this question. It was strange, that, when it was admitted that there was no objection that this matter should be sifted to the bottom, the honourable gentleman should not be allowed to go into the proof. Under these circumstances, he could not content himself with giving a silent vote, after the unfair treatment which the honourable gentleman had received. (*Hear! hear! hear!*) The honourable gentleman, too, had said, that the individual had undergone a series of cruelties; that many of the witnesses had been tampered with, and others intimidated; and these facts he offered to prove. Such a statement was not to be met by a laugh, or aspersions on the character of the individual who made it. But it had been said, that this proceeding was likely to create discontent in the army; but what discontent could be excited, if the statement were not true, and proved not to be well founded? Would it not be a satisfaction to men, placed in the glorious and honourable situation in which British soldiers were now placed, to know, that if they suffered any grievance, there was one place at least to which they could look with confidence for justice? Upon all these considerations, he should vote for the inquiry.

*Lord Charles Somerset*, as the honourable Member had charged him, as General of the District, with a breach of the articles of war, felt it necessary to trouble the House with a very few words. There was one part, and only one part of the statement of that honourable gentleman, in which he concurred, viz. that in which he bestowed praise on the honourable Colonel of the Oxfordshire regiment. It did not, perhaps, become him to say what he felt on that occasion relative to that honourable Officer; but he must remark, that the honourable gentleman could not say too much of him, as a zealous, correct, attentive, and humane officer as any in the service. (*Hear! hear!*) This opinion he had expressed in the general orders as strongly as he could, both with respect to the Colonel and Lieut. Colonel of that regiment. The honourable gentleman had accused him of not

having listened to the appeal of Corporal Curtis : he certainly had not listened to that appeal, because that person had not a right to make it. The Article of War (which the noble lord here read) took away the appeal from a person found guilty of military offence by a regimental court-martial. The general court-martial was for trial of heinous offences ; the regimental, for petty offences. When the person, whose case was referred to was charged with a heinous offence, he appointed a general court-martial, but at the same time, took care that no officer, who had served on the regimental court-martial, indeed that no officer of the regiment should serve upon the General Court. He trusted, after what he had stated, that the House would consider him clear of the charge of having committed a breach of the Articles of War. As to this man, he believed he went away from his Colonel on the 25th of April, perfectly satisfied that his complaint was unfounded. On that day he signed his return, "all well." In the following May, Major-General Houston (*we believe*) proceeded on his half-yearly inspection through the district. It was part of his duty to ask, whether any individual in the regiments inspected had any complaints to make. This duty he knew was performed by that officer, and not a word of complaint was heard from any individual in the Oxfordshire regiment. As to what had been said about Bellis and Reeve having been forced out of the country, he should only say, that there was no foundation for the charge. When their conduct was known, he did not order a Court-Martial. He directed the Major-general to inquire into the circumstances, and on his report had brought the men to a Court-Martial. With respect to the treatment of the man in prison, he had certainly ordered the mob, for mob he would call them, not to be admitted to him : but he at the same time directed that his friends and witnesses should have free access to him, and that he should be allowed the use of pen, ink, and paper. But to shew more clearly with what indulgence and lenience he had been treated, he need only say, that on the 8th of July the mob having entered into a subscription to enable him to employ Counsel, he applied to the Court for time to procure Counsel, when the Court adjourned to one o'clock ; and on its being re-assembled, the Judge Advocate offered to the Counsel the proceeding for his perusal. The hon. baronet had said, that the man was entrapped into a trial of one offence when he was prepared to expect the trial for another. The fact was, that on the 4th of July.

a list of the charges has been given to the prisoner; on the 6th the Court met, when he was called upon for a list of his witnesses; and even on the 7th and 8th he called fresh witnesses. With respect to the charge of intimidation of witnesses by Serjeant Cox, as stated by the honourable gentleman, if any such thing had taken place, it must have been mentioned in the defence; and yet not one word was said of it on the trial. If there was any thing to be remedied, the Commander-in-chief had offered to have the matter inquired into. The course proposed by the honourable member was therefore not the only means of investigation. He returned thanks to the House for its attention, and should vote against the motion.

*Mr. Lockhart* knew both the unfortunate man and his father, they being both his constituents: The impression upon the mind of this man's family was not that he had been treated with severity. He had received a letter from the father of the man, begging him to apply, not for a revision of his sentence, but for mercy. He had written upon the subject to the Dukes of Kent and Cumberland, and made application to the magistrates, who humanely exerted themselves to obtain the execution of justice in mercy. The father of this man knew nothing of the motion of the honourable gentleman. The speech of the honourable gentleman was deserving of the severest criticism. If popularity was the object of the honourable member, he would recommend to him to court it by other means—by means which, as Lord Mansfield well observed, would make popularity follow him, instead of his pursuing popularity.

*The Chancellor of the Exchequer* would not rise except in justice to Sir David Dundas, to shield him against some imputations which seemed to have been insinuated. He did not mean to infer that the honourable gentleman who brought forward those charges took advantage of his situation as a member of Parliament to propagate inflammatory and mischievous harangues, (*Hear, hear, hear!*); he rather supposed he came down to seek redress for some supposed injury. He was the more ready to believe this, as every man who wished well to the country must be aware how very much the bringing forward military charges in that House ought to be avoided (*Hear, hear!*) The right honourable gentleman here read a correspondence between Sir David Dundas and Mr. Wardle, in which Mr. Wardle desired that the condemned Corporal Curtis should not be sent abroad, as *he*, as

a Member of Parliament, was determined to make the matter the subject of investigation (*Hear, hear!*); and in which Sir David uniformly answered, that he would be ready to accede, provided Mr. Wardle stated the grounds of his application. (*Hear, hear!*) This, however, Mr. Wardle declined doing. He must state this in justice to Sir David Dundas. But Mr. Wardle broached a principle which would go to convert the freest country under heaven into the most wicked and abominable tyranny which ever existed. He, denying all information, demanded, as a Member of Parliament, the suspension of the Law. What! was he to arrogate to himself the right of becoming a *walking Committee* of the House of Commons? (*Hear, hear!*) He seemed also to insinuate that the military could not have fair play under a regimental Court-martial! He could not conceive a viler or more unfounded insinuation; but though he was ready to give the honourable gentleman every allowance as to the purity of his views, still he was sure the House would allow he could not have chosen a worse way, or adopted a more injudicious course, towards their accomplishment. (*Hear, hear!*) He should now conclude, having made these few remarks on a speech which he was sure all men in that House must regret, and which none should regret more than the person who delivered it. (*Hear, hear!*)

Colonel Wardle very briefly replied, and the House divided:

For Colonel Wardle's motion, 1. — Against it, 91. — Majority 90.—Adjourned.

[The Member who voted for the motion was Colonel Langton.]

## HOUSE OF COMMONS.

WEDNESDAY, FEB. 27.

### PETITIONS.

Sir S. Romilly presented a Petition from several proprietors of bleaching-grounds in the north of Ireland, which he said were signed by 190 names, but that these consisted of the most respectable inhabitants, who were all interested in these bleaching-grounds, praying a repeal of the several acts making stealing cloth from bleaching-grounds a capital felony. The reason stated for this was, that from the excessiveness of the punishment, both juries and witnesses were deterred from doing their duty, and the petitioners were thereby

left without any means of redress or remedy.—Ordered to lie on the Table.

He also presented another Petition to the same effect, from the Master Calico-printers, in the neighbourhood of London, who constituted a majority of the trade.—Ordered to lie on the table.

The honourable and learned gentleman then gave notice, that he would take an early opportunity to move for leave to bring in a Bill for the repeal of the 3d Geo. III. making it a capital felony to steal cloth from bleaching-grounds, and the 18th George II. making it a capital felony to steal to the value of 10s. in a fulling-house. The petitioners, he said, were persons who did not speak on speculation or unfounded information, but from practical knowledge. They were the persons most intimately interested, and who were the only sufferers by these Acts being inadequate to the purposes for which they were framed, and therefore had the strongest reasons to wish for their repeal.

#### PRECEDENCE OF NOTICES AND ORDERS OF THE DAY.

*The Chancellor of the Exchequer* rose to make the motion of which he had given notice. He said, he conceived the House must be sensible of the great inconvenience and delay which had been occasioned to the public business last session by the continual conflict there was between Notices of Motions and the Orders of the Day, by which many orders of the greatest importance were obliged to be brought on at so late an hour as two o'clock in the morning. This, he thought, might easily be avoided, by making an order of the House that orders of the day should have the precedence on certain days in the week, and notices of motions on the others. When he mentioned this matter before, the principal objection seemed to be, that such an arrangement would affect the right which every Member possesses of making a motion without giving any notice. To obviate this, however, he would propose, that, let the matter of this motion be settled how it might, he intended it should in no way whatever preclude any gentleman from making such motion as he might think necessary, without giving any notice. He would not, therefore, trouble the House farther than to move, "That in the present Session of Parliament, the orders of the day set down in the order-book for Mondays, Wednesdays, and Fridays, should have the precedence of notices

fixed for those days; and that notices should have precedence on the other two days."

The question being put from the Chair,

*Mr. Ponsonby* objected to the motion, because, notwithstanding what had been said by the Chancellor of the Exchequer, he could see no inconvenience from adhering to the old mode. He thought, therefore, it would be better to leave it to an understanding of the House than to make it a standing order. It would be dangerous to depart from the standing rules of the House, established by long usage and practice, which ought to be adhered to even though some inconvenience should be produced from so doing.

*Mr. Yorke* spoke in support of the motion.

*Mr. G. W. Wynne* thought it would be better to fix it on an understanding of the House.

*Mr. Banks* said, he had felt the inconvenience alluded to by the Chancellor of the Exchequer in the course of the last session, and if it came to a vote, should certainly give his in-favour of the motion; but he thought it would answer the same end, if agreed to as an understanding of the House.

*Lord Folkestone* said, if any inconvenience had arisen in the course of last Session from the causes mentioned by the Chancellor of the Exchequer, it was owing in the first place to the assembling Parliament so late and in the next to the Ministers so long deferring to bring forward the public business. Before the Union took place and brought with it so much more pressure of business, Parliament used to sit near double the time it had done since that pressure was so much increased. He thought it would, therefore, be better to let it be fixed as an understanding of the House.

*Mr. Whitbread* opposed both the resolution and the understanding. He thought it unfair that three days should be allowed for a preference to orders of the day, and only two left for notices of motions, which might involve the most important concerns of the country. The Minister had seized on Saturday as his own, and had made it merely a day of registration: and so would all the other days be converted into days of registration in a very few years. He objected to the introduction of the word "notices" at all. *Mr. Burke* said, that "forms" were the intrenchments of minorities; and there was a time when the right honourable gentleman had thought it necessary to entrench himself to the teeth in those forms, and had thereby baffled the whole power of Government. The right honourable gentleman knew,

therefore, that by this expedient he would be able to get through the public business in a comparatively short time; and though a number of notices of inquiries of the highest importance stood on the book, he would advise the King to prorogue the Parliament, and those notices would be rendered nugatory. The right honourable gentleman complained of public business having been delayed—why then did he not bring it forward sooner? This reminded him of the story of a nobleman travelling in Germany, who was very urgent with the post-boy to drive on faster, as he was in great haste; to which the driver replied, “If you are in such very great haste, why did you not set off yesterday?” So if the right honourable gentleman wanted the public business done sooner, why did he not assemble Parliament in November, instead of the latter end of January, as had been the case in the three last sessions? He concluded by moving, that the farther consideration of this debate be adjourned to Monday.

The question having been put on Mr. Whitbread’s amendment,

*The Chancellor of the Exchequer* rose, and said, that if any gentleman, or a number of gentlemen, should think he had been precipitate in his notice, or would wish for more time to consider it, he should not object to postponing the discussion for a few days. He had, however, last session given a distinct notice, that he would bring forward a motion to this effect early in the present session. He would, however, now say, that the honourable gentleman who spoke last appeared to have mistaken the object of his motion. It did not go to prevent motions coming forward on Mondays, Wednesdays, and Fridays, but merely to give the orders precedence on those days. If the orders of the day were to be passed merely in that way that the honourable gentleman called *registration*, they could not take up much time, and therefore there would be plenty of time for the motions after they were disposed of. It would naturally appear as if the orders of the day ought to have precedence of notices, because they were a portion of the public business fixed by the House itself to come forward on a certain day; whereas notices were only fixed at the pleasure of an individual member. A right honourable gentleman (Mr. Ponsonby), who opposed his motion, must recollect, that in the Irish Parliament, orders had always the precedence of notices. He thought it was a grievance universally felt and com-

plained of, that important public business was often necessarily thrown back to such a time that it was necessary to pass it in a thin House. The Irish Finance business had been in that predicament. As to the remedy of lengthening the session, it appeared to him that, since the Union, it was not desirable that Irish members should be brought over for a short session of about three weeks previous to Christmas, and therefore it appeared to him most inexpedient that Parliament should sit before Christmas. Every member must observe the great impatience that there always was in the month of June for the session to conclude, and the difficulty of retaining a sufficient attendance of members. As to Saturday, he denied that that was a day reserved by Ministers; it was a day that he had never objected to the House sitting on any business which was not likely to produce discussion. As other business was fixed for Monday, he suggested to the honourable member that Tuesday would be a better day to name.

*Mr. Ponsonby* shortly explained.

*Mr. Creevey* said, that what he had principally complained of on a former day, was, that the business did not come on in the House in that order that it was entered, and that on that account members were frequently taken by surprise, and business of the first importance disposed of in a thin House, and in the absence of those who were most anxious to attend the discussion. In this manner the grant to the East-India Company was passed.

*Mr. Bathurst* suggested that, instead of giving the orders the precedence for three days out of the five, it would be fairer that they should each have two days alternately.

After some further conversation, the amendment was put and carried, by which the farther consideration of the motion was postponed till Tuesday next.—Adjourned.

## HOUSE OF LORDS.

THURSDAY, FEBRUARY 28.

### LORD CLONCURRY'S DIVORCE.

Counsel were heard further in the case of Lord Cloncurry's divorce, on the question of the admissibility of the letter of Lady Cloncurry, acknowledging her offence, as evidence. The Lord Chancellor afterwards rose, and made some ob-

servations on the subject of that letter. His Lordship said, that he understood there were some precedents upon their Lordships' Journals respecting the admission of evidence of this description, and he should therefore move, that the Counsel should be again called in, and asked what precedents on the subject they had to state.

The motion being put and carried, Mr. Dampier appeared at the bar, and enumerated various cases in which such evidence had been received at the bar of the House of Lords. Mr. Garrow said a few words on the other side. The Lord Chancellor said, that the learned Counsel might have time to consult their precedents; and he should therefore move to defer the further consideration of the subject till Wednesday. At the same time he must observe, that the weight and value of the parole evidence was not to be considered as at all affected by a question raised as to the reception of their written evidence. He did not perceive in this case any symptoms of collusion, though such a mode of offering evidence was one to which persons colluding would be most likely to resort.—Deferred till Wednesday.

The Bill for ascertaining the population of Great Britain, marking its increase or diminution, was brought up from the Commons, and two private Bills.

#### BERKELEY PEERAGE.

*The Lord Chancellor* rose to address their Lordships on a subject of considerable importance to that House. It was his wish, that no unnecessary delay should occur in the consideration of the Petition before the House. But as the matter stood, the son by the latter marriage was a party, who had an eventual claim, and should therefore be represented before their Lordships in their discussion of this question. The son was by law an infant, and was, by the will of the late Earl of Berkeley, under the guardianship of his mother, the Countess Dowager of Berkeley. He had reason to believe that she had done every thing that was right, but still there was a question as to her situation respecting her two sons. He thought, on a future occasion, that it would be proper to have a law officer appointed to represent the claims and interests of the eventual heir before that House. He should not further trouble their Lordships, but to-morrow move for a Committee to examine and consider the best mode of proceeding in this business.

## MARSHALSEA PRISON.

*Lord Holland* rose, and said, that he intended to make a motion, to which he could not foresee any ground of opposition. It was particularly connected with that important subject, the Debtor and Creditor Law of this Country, respecting which a noble and learned Lord opposite had introduced measures, from which he (*Lord Holland*) expected a considerable amelioration of those laws. His object in making this motion was especially to point out to the House the enormous evils which existed under the present system. In the month of January last, an unfortunate man (of the name of William Collin or Colner, we are not quite certain of the name) died in the prison of the Marshalsea, in the county of Surrey, who had been confined there for a debt of about seven pounds in the month of November last. A Coroner's inquest sat upon the body of the deceased, which was found in the most wretched and miserable situation. He had been bereft of the means of supporting his existence. He was found in a place where there was neither door nor window. He had been absolutely reduced to such a state of misery, that he had been seen gnawing the refuse bones in the yard that had been left there, in order to obtain some means of prolonging a wretched life. It was true, that on examining the miserable rags that were on him, two shillings were found; but he understood that the Coroner's Jury would say, that they had no doubt those two shillings were either put into his pocket after his death, or were given to the sufferer, when such helps were far too late to afford him any relief. The Coroner's Jury found a verdict, that this unhappy man had died from want of food, clothing, and lodging. His Lordship was informed that the verdict first agreed upon by the Jury, was simply, that he was *starved to death*; but they afterwards agreed to the more mitigated verdict which they had delivered. It might be said, that it was surprising that such should be the case, considering the allowance of the gaols, now very properly raised to six-pences; but then it should be recollected that the law on this subject allowed to those who withheld their payments, full five months before its commencement. This, he thought, was a case of a nature which shed much light on the present system of the Debtor and Creditor Laws, and must affect the humane feelings of every one of their Lordships.

God forbid, that in such a case he should mingle any thing like the topics of party disputes, or political animosities. But he must say, that whatever else their Lordships might do—whatever might be done by either or both Houses of Parliament, with respect to their privileges, and he admitted that they had a right to support their own privileges—still they could do nothing which would make them stand more clear and well with the country (the importance of which he thought was great, and obvious), than to watch carefully that nothing should exist in the administration of justice in the land which bordered on cruelty and injustice. He thought, therefore, that in a general point of view, the administration of the prisons of this country claimed their Lordships' attention. He meant to throw no particular blame on individuals who might not deserve it. He believed that, by the Act, a copy of the verdict of a Coroner's Inquest should be in the hands of the Clerk of the Peace. He understood, however, that it was not always so, but was sometimes in other hands. Thinking that this unhappy occurrence was of considerable importance in a view of the laws, such as they were likely soon to take, he should move that a copy of the proceedings of the Coroner's Inquest, and the verdict given (the day of January last, he could not precisely tell), should be presented to that House by the proper officer.

After a few words from the Duke of Norfolk; the motion was put and carried.—Adjourned.

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## HOUSE OF COMMONS.

THURSDAY, FEBRUARY 28.

### AMERICAN AMBASSADOR'S AUDIENCE OF LEAVE.

*Mr. Whitbread* rose, and said, he wished (before the question was put) to ask a question of the Chancellor of the Exchequer, whom he then saw in his place. He (*Mr. W.*) had been informed, that the American Ambassador had this day his final audience of leave of the Prince Regent, not in the way in which such audiences generally take place, but that he was departing from this country after having received an answer adverse to all hopes of conciliation between the two countries. He wished, therefore, to know whether the right honourable gentleman had advised the Regent to

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lay before the House the papers relating to the conferences held on that subject?

*The Chancellor of the Exchequer* answered, that it was true the American Ambassador had this day had his final audience of leave of the Regent; but that he had received an answer adverse to conciliation, or tending to keep up the differences existing between us—the first he had heard of it was from the mouth of the honourable gentleman. On the contrary, the Ambassador had left here a *Chargé d’Affaires* for the purpose of carrying on the negotiations already begun. His Majesty’s Ministers were entirely disposed to an amicable termination of those differences subsisting between the two countries: and for that purpose, a Minister Plenipotentiary had been appointed, and was about to set out from this country. He, therefore, saw no reason for advising the Regent to lay any papers before the House on this subject.

*Mr. Whitbread* said, this information was so different from that which he had received, that he should reserve to himself a right to move for papers on the subject, and he did not think it would be long before he should find it necessary to do so.

#### MR. WELLESLEY POLE’S CIRCULAR LETTER.

*Mr. Ponsonby* asked the Chancellor of the Exchequer, whether he meant to submit to the consideration of the House any papers relative to the Circular Letter of Mr. Pole. The chief objection of the right honourable gentleman against doing so, was, that it would be better to wait till that honourable member should be in his place in the House. He wished, therefore, to know when that honourable member might be expected to be in the House.

*The Chancellor of the Exchequer* answered, that the honourable gentleman might be expected to be in the House in the course of a very few days.

#### ENGLISH DISTILLERIES.

*The Chancellor of the Exchequer* gave notice, that he would on Tuesday next move for leave to bring in a Bill for regulating the Distilleries, and to-morrow he should make a motion respecting the Commercial Credit of the country.

*Mr. Adam* said, that he had heard the notice of the right hon. gentleman with some surprise. He had supposed the measure would be for further prohibiting the distillation of

Corn. It appeared by the notice, however, that it was only a Regulation Bill that the right hon. gentleman meant to bring in.

*The Chancellor of the Exchequer* said, that it was usual to wait till the plan was explained at the time of bringing forward the motion; but he had no hesitation in stating, now, that it was not his intention to move for the prohibition of the use of either corn or sugar in distillation. He wished for the present to put them on an equal footing, so as to make it a matter of indifference to the distiller as to price, which he used. The future variations in price, either of corn or of sugar, would make it a subject of consideration for the distillers, which material they would use.

## MARINE INSURANCE COMPANY.

On the order of the day having been read for the second reading of the Bill for the incorporation of this association, Counsel were called in. No less than seven Counsellors appeared at the bar; Mr. Garrow, Mr. Dauncey, Mr. Serjeant Best, Mr. Marryat, Mr. Bosanquet, Mr. Moore, and another gentleman. It was stated, however, by Mr. Baring, that only three Counsellors would speak.

*Mr. Garrow* appeared on the part of the Royal Exchange Assurance Company. They had conducted their business for a long time with honour to themselves and advantage to the public, and could not conceive on what ground this Company of adventurers could call upon Parliament to deprive them of their privileges, and of those rights for which they had paid a considerable sum of money to the public.

*Mr. Dauncey*, on the part of the London Assurance Company, took the same ground. He also contended that by the Act of Incorporation, it was the King in Council who should remove them, if their conduct was injurious to the public.

*Mr. Serjeant Best*, who attended for Lloyd's Coffee-House, contended, that an association with such an immense capital must overwhelm the exertions of the individuals at Lloyd's, who had hitherto conducted the insurance business of this country in a manner that not only reflected great credit on themselves, but which had great influence in raising the commercial prosperity of the country to its present height. He saw nothing in the projected association but a mere speculation of adventurers, and

thought that there was no evidence of the expediency of the proposed measure. The Counsel having withdrawn,

*Mr. Baring* said, that at present he merely wanted the Bill to be read a second time, and ordered to be committed. If it was ordered to be committed, he would wish that as much time should be given before the committal of it as any gentleman should think proper; as this measure had the general support of the mercantile interests of this metropolis and in the country, he hoped there would be no opposition to its going into a Committee.

*Mr. Grenfell* considered that if the subsisting Companies had not done their duty, the application should be made to the King in Council.

*Sir T. Turton* did not see why the name of speculators should be given more to those who sought the present incorporation than to any others who applied to Parliament for a similar purpose. He thought experience had shewn, that associations did not necessarily overwhelm the exertions of individuals, as the incorporated Companies did not do any thing near so much insurance business as the individuals who met at Lloyd's. If he really believed that the establishment of this new Company would take away one iota of the business of the incorporated Companies now existing, he might pause. He was convinced, however, that it would not; and so far from giving a monopoly to those men, he supposed and hoped that it would be followed by many similar associations. He thought it was the duty of the Legislature to set their faces against monopolies, which were directly contrary to the public good.

*Mr. Marryatt* was adverse to the principle under which the Bill was brought forward. The mode of its introduction was improper, because inconsistent with the form which had been long since laid down on the subject. The application ought not to have been made to the House of Commons in the first instance. The pretences of the Bill were unfounded. It held, that it came only to abolish the monopoly which existed in the insurance trade. The truth was, it came to abolish that which was a monopoly *de jure* though not *de facto*, by establishing what would be a monopoly *de facto* though not *de jure*. Nine tenths of the principal merchants of London were said to be concerned in the project for a Marine Insurance Company; they were to form a body which would swallow up every other, and the monopoly against which they were to direct themselves,

was actually a competition of fifteen hundred individuals concerned in insurance. An Act which applied peculiarly to the circumstances was the Act of 6th George I. passed in 1720, the year after the great disasters that arose from speculation. From the provisions of that Act, the assured were saved from the speculations of the merchants who carried on the Insurance trade. They made all distinction between the capacities of merchant and insurer. No matter what might be the loss of the merchant, the loss of the assured was to be made up. This resulted from the regulation that an insurance loss must be paid within one month from the date of the loss, while the premium cannot be demanded within the year; so that whatever might happen, there was still a large reserve of premiums lying out to make up the loss of the assured. In case of individual insurers, the recovery was easy; but when they found an union like the present, the most serious difficulty in the recovery of money must arise. If one of the partners left the kingdom, or even crossed the Tweed, the process must linger on a year, till the outlawry and other necessary legal steps were completed. The spirit of speculation which we saw exhibited every day in the attempts at exploring new channels of trade in distant countries, in the perilous intercourse with the Continent, in forming new companies, was pernicious to regular and quiet industry. This Marine Insurance Company was a speculation like the rest, and a bubble like the rest. When one bubble burst, another started up. If this Company had been set up last year, it would have been insolvent like the others that went before it. The real capital of the Company was to have been one million; the nominal, five. Last year was a losing one, particularly for the insurance companies. The loss was perhaps to the amount of five or six millions. Supposing nine-tenths of the monied interest of London to have been formed into an Insurance Company at that time, they would have had nine-tenths of the business, and it might be also concluded, nine-tenths of the loss. The capital of one million would have gone at once, and the public were to look for the rest to men of straw. The advocates for the Bill ought to have adopted the legal mode, and that was, to come before the Privy Council, and there state their objects and grievances. Mr. Marryatt concluded by giving his negative to the commitment of the Bill.

*The Chancellor of the Exchequer* thought, with the gentleman who had just spoken, that the advocates of the

Bill had strayed out of the course which the law appointed for their proceeding. They should have presented a petition to the Crown on the subject of their grievance: it would then be submitted to the Attorney-General or to him and the Solicitor-General, who would try its merits as they would a case, and advise a change in the charters as they saw necessary. If unexpected obstructions were to rise in that process, or if justice was not to be so obtained, then let the parties come to the House. But if a combination, not a corporate body, were to be formed for insurance, how was the assured to recover losses? If the secretary were to be sued, what could be had except his body? But if suing the secretary was by Bill to be made equivalent to suing every individual of the body, there was not one of them against whom a judgment might not be obtained, and there was not a spot of their land that could be sold without being liable to that judgment. The House should look with a jealous eye on any invasion of corporate rights, and require the fullest demonstration of the grievance before they attempted to intrude with the remedy.

*Sir Thomas Turton* explained.

*Mr. Adam* conceived that the Chancellor of the Exchequer had overlooked the real history of the Act of 1720. That Act looked only to certain limitations of Joint Stock Companies, certain conditions, which if they did not fulfil, they were to be abolished by a process commencing with the Speaker of the House of Commons. The present Bill had no interference with the objects of that Act. It was to break down no charter, it only went to repeal that law by which solitary insurances were established to the injury of Companies. As to the objection that the Company would not be liable to the losses on insurance, they would naturally contrive some way to obviate that, for otherwise who would insure with them?

*The Attorney-General* was decidedly against the commitment of the Bill. As soon as a judgment was docketed against the individual member of the Company, there was not an acre of his property that would not be affected by it. It would go to interfere, in its consequence, with every purchase in the country.

*Sir John Ainslie*, after stating at some length his sentiments on the merits of the question, concluded by saying, that he should at least give his hearty assent for going into a Committee on the Bill;

*The Solicitor-General* was of opinion, that chartered rights ought not to be violated. These rights were granted by the Crown for a consideration in money : and it mattered not whether that money had been paid or not. For his own part, he should never consent to deprive a chartered Company of its rights, without giving an equivalent or compensation. If these rights were to be got rid of, this was not the mode of doing it, by an Act of Parliament.

*Mr. Stephen* had come into the House with his mind balanced and unbiassed upon this question. From all he had heard since the discussion commenced, he had made up his mind to vote against the motion ; not so much indeed from the arguments made use of against the motion, as from those urged in support of the change of system proposed.

*Mr. Morris* felt bound to support the motion. The existing Companies did not effect 4 out of 100 parts of the insurances made in this metropolis. For the remainder, all the security the mercantile interest had, was the personal responsibility of the individual underwriters. All that was asked in this measure, was to give the assured the common-law security of partners, all whose assets should be liable to make good the loss, in place of leaving the parties insuring to look for indemnity to assets of the individual insurer only.

*Mr. A. Baring* replied. He said that it would be an injury to the out-ports, not to allow partnerships for purposes of insurance to be legally established. The measure proposed could not interfere with the subsisting Companies ; because he knew an individual underwriter, who insured to double the amount insured by the London Assurance Company ; the individual to whom he alluded, having insured in one year to the amount of four millions, while the London Assurance Company had granted policies to the amount of two millions only. The measure was absolutely necessary for the better security of the commercial interests, and he, therefore, trusted it would meet with the approbation of that House.

A division then took place—for going into the Committee

-	-	-	-	-	-	-	25
Against it	-	-	-	-	-	-	26
		Majority	-	-	-	-	—1

The Bill was, therefore, lost.—Adjourned.

## HOUSE OF LORDS.

FRIDAY, MARCH 1.

## BERKELEY PEERAGE.

On the motion of the Lord Chancellor, an instruction was ordered to the Committee of Privileges on the Berkeley Peerage, to consider in the first instance what proceeding may be necessary for the purpose of taking care of the interests of any son of the late Earl of Berkeley, born subsequent to the 26th of May, 1796, and to report to the House; the Committee to meet for that purpose on Monday.

*Lord Erskine* presented a Petition from a female of the name of Read, praying for a Bill to dissolve her marriage, on the ground of adultery and extreme cruelty on the part of her husband.

The Petition, after a few words from the Duke of Norfolk, protesting against admitting the principle of granting Divorce Bills on the application of females, was ordered to lie on the table.

## REVERSIONS.

*Earl Grosvenor* presented a Bill for prohibiting the granting of Offices in Reversion, or for Lives, with benefit of Survivorship, which was read a first time, and notice given by his Lordship to move the second reading on Thursday.

Adjourned till Monday.

## HOUSE OF COMMONS.

FRIDAY, MARCH 1.

## COLVILLE.

*Mr. Dundas* presented the Report of the Secret Committee appointed to inquire into the situation of Colville, the prisoner in Coldbath-fields prison. The Report stated, that the Committee having inspected a number of documents relating to the cause of Colville's detention, and having examined a number of witnesses on the subject, as well as inquired into the mode of the prisoner's confinement, and the nature of his treatment, were of opinion, that there

was sufficient cause for the prisoner's being detained, and that he has not been treated in an improper manner. They were also of opinion, that the mode of confinement in Cold-bath-fields prison was insufficient for the object, and not sufficiently strict.

*Lord Folkestone* said, that this Report contained the unanimous sentiments of the Committee.

## COMMERCIAL CREDIT.

*The Chancellor of the Exchequer* stated, that he rose in pursuance of his notice, to move for the appointment of a Committee to inquire into the state of Commercial Credit in this country. He had no difficulty in stating to the House, that various applications had been made to him by the manufacturing and commercial interests of the country, in consequence of the suspension of public credit, and in consequence of the losses which had been sustained from the interruption of trade. To these representations he was disinclined to pay any particular attention; but they had from various quarters so much multiplied, that he thought fit to submit the subject to the consideration of the House, that a Committee might be named who should present a Report to the House on the subject. He wished to refrain from entering into any discussion of the subject at present, as premature and improper. He thought that the Committee should consist of 21 members. In that number the four surviving members of the Committee of 1793, now in the House, were included. The names proposed, as far as we could collect, were,

*The Chancellor of the Exchequer,*  
*Sir John Sinclair,*  
*Mr. Brogden,*  
*Mr. Manning,*  
*The Lord Advocate of Scotland,*  
*Mr. Rose,*  
*Sir Thomas Baring,*  
*Sir James Shaw,*  
*Mr. Baring,*

*Mr. Henry Thornton,*  
*Mr. Foster,*  
*Mr. Alderman Shaw, of Dublin,*  
*Mr. Charles Long,*  
*Mr. Sharp,*  
*Mr. Irvine,*  
*Mr. Marryatt,*  
*Mr. Hart Davis,*  
*And*  
*Mr. Staniforth.*

*Mr. Tierney* made some objections to the motion.

*The Chancellor of the Exchequer* said, the right honourable gentleman had objected to the employment of the

terms Commercial Credit, as too loose and vague, and not sufficiently distinguishable from the Public Credit of the country. He thought, however, that the two subjects were perfectly distinct, and that no difficulty could arise from the terms of the motion. On this subject he thought it advisable to avoid delay as much as possible; and that something should speedily be laid before Parliament, to enable them to take the matter under their consideration. The Committee would naturally inquire into the nature of the mischief, and of the causes by which that mischief has been produced, for the sake of providing a remedy to that mischief. If the mischief is found to admit of remedy, the nature of the remedy will next become naturally the object of their consideration. He thought that in every way it was advisable that the Report of the Committee should not be protracted, but that at an early period they should communicate their views to the House.

*Mr. Curwen* said, that undoubtedly the causes of the mischief ought to be taken into the consideration of the Committee. These causes, he believed, were nothing else than the Orders in Council. The pressure, no doubt, was great; but he did not see how that pressure could at present be removed. He thought it was not advisable to hold out to the country that the evil might be remedied; that those individuals, who have been induced on account of high wages to leave agriculture for manufactures, may be induced to return back to agriculture; for which purpose greater facility was afforded at present, than at any former period, from the great number of Inclosure Bills.

*Mr. Horner* thought the Chancellor of the Exchequer had taken a more correct view of the subject than his right honourable friend. It was better, in his opinion, to confine the inquiry at present to the nature of the measures to be adopted, than to enter upon the causes which have led to these measures. If the measures were good, they ought to be adopted and acted on without delay; but the cause will properly form a subject of after discussion. He wished to express, however, no opinion at present of the remedy necessary to the evil; or even to express an opinion of the possibility of affording any such remedy. He rose to move for the addition of another name to the Chancellor of the Exchequer's list. Nothing, he owned, could be more respectable than the names of which that list was composed; but he could not avoid thinking that it would have been

better if it had contained fewer commercial names. He thought that, at any rate, the late Secretary to the Treasury should be on the Committee, and he therefore moved that the name of Mr. Huskisson should be added.

*Mr. Huskisson* wished to decline the honour of being a member of the Committee. He stated the points in which he thought the present distresses resembled, and in which they did not resemble, those of 1793. At present there was no interruption to public credit; in 1793 it was otherwise; and at present there was a great spirit of over-trading in the country. He disclaimed the having any particular opportunities for information on this subject; and thought that, perhaps, the opinions he had now expressed might disqualify him from forming one of the Committee.

*The Chancellor of the Exchequer* rose to support the motion of the honourable gentleman (Mr. Horner). He agreed with the gentleman who last spoke, that the present circumstances differed in some cases from those of 1793, and resembled them in others. He thought, however, that should the distresses of the present day be even traced to over-trading, yet if the result of that over-trading has been such as not only to occasion mischief to those who have over-traded, but those who have not over-traded, the House could have no objection to afford an alleviation, if possible. He had no hesitation in saying, that whatever opinion may be formed of the policy of the Orders in Council, these, on inquiry, would not be found to be the cause of the present commercial distress. These measures, however, of the Orders in Council, he had no doubt, would admit of every justification, as wise and expedient for the country.

*Mr. Tierney* said, that it was not sufficient to induce the House to vote an issue of Exchequer Bills, to state that numbers of merchants have over-traded themselves. Upon such a Report to be presented to the House, he would not think himself justified in giving his vote. He did not mean to say, but that under certain circumstances of distress he might be willing enough to give assistance; but these circumstances, he thought, should differ materially from the present. He owned he did not see how a remedy could be afforded to the present evils. The right honourable gentleman (the Chancellor of the Exchequer) spoke of the necessity of a speedy Report; but he hoped that sufficient time would be taken to make the necessary inquiries; and for this purpose a week, at least, would be necessary. Were

he to be a member of the Committee, he would wish to examine a number of merchants on the subject, and enter upon other inquiries, which would all take up a good deal of time. It would be proper for the House to know what was the state of the present distress, what had produced that state, and what was likely to be the duration of that state; and it would be foolish to give issues of Exchequer Bills at present, if at the end of a twelvemonth the evil should still continue. It was improper to afford assistance, without knowing the cause and the likelihood of duration.

*The Chancellor of the Exchequer* said, that he should certainly think the Committee were going beyond their duty, were they to enter upon so large a field of investigation as the honourable gentleman would force upon them. To what extent the House might think fit to go into the ultimate and proximate causes of the subject, was another consideration; but it was the Committee's duty to inquire into the nature of the present distress. The House will consider the degree and extent of the distress, and whether it be advisable to afford a remedy. Whether the House will take the subject of the duration of the evil, or the diminution of pressure, into consideration, will be afterwards decided.

*Mr. Canning* observed, that from the narrow description of the investigation proposed, he apprehended the qualities for which his honourable friend had been stated to be particularly distinguished, were not necessary, especially if it was intended that the Report should be speedily laid on the table. The qualities alluded to would only have been of essential advantage, if the Committee were to inquire not only into the immediate, but into the remote causes of the present state of commercial credit. He therefore thought it would be better to leave the names as originally moved; and any one, after the Report should be presented, would be at liberty, if he pleased, to propose a larger investigation. His honourable friend would not perhaps choose to state this ground exactly to the House; but it was not improbable that he might go into this Committee under considerable disadvantage. His principles with respect to public credit had lately excited a great deal of attention; and it might be supposed that he would be too much inclined to refer facts, as they came out, to these principles, which would deprive his authority of its due weight. As his ho-

honourable friend therefore was rather averse to be one of the members of this Committee, he appealed to the custom of the House whether it was not contrary to its ordinary courtesy to appoint him. His peculiar talents were not wanted here; otherwise his willingness to undertake, and his ability to execute his duties, were unquestionable.

*Mr. Horner* expressed his surprise, that the right honourable gentleman should have spoken as if he (*Mr. Horner*) had fallen into some impropriety in naming the honourable gentleman near him (*Huskisson*) as a member of this Committee; and an impropriety which the Chancellor of the Exchequer had avoided. This was extraordinary, as the Chancellor of the Exchequer had immediately assented the moment the honourable gentleman had been named. He had never doubted but the honourable gentleman would have been willing to have given his services upon the Committee; services which, in his view of the case, would be of great utility. It appeared to him that this would be an operation of finance, founded on a commercial difficulty; and it was important, even with a view to the proximate causes of that difficulty, that some person, accustomed to the operations of finance, should be on the spot. Although he was sorry that the services of the hon. gentleman on this Committee should be lost, yet as he was averse to become one of the members, he certainly would not press his motion.

*Mr. Caning* did not mean to impute any impropriety to the last speaker.

*Mr. Tierney* moved an Amendment to the proposition, of the following purport: "That the Committee should examine into the state of the trade of the United Kingdom, and report upon the causes that produced the same."

*Mr. A. Baring* thought that the inquiry into the general state of trade ought to be postponed. The object at present he understood to be, to ascertain whether commercial credit was not in a state requiring relief, if such relief could be administered. At a future period of the session, no doubt, it would be proper to go into the more general inquiry, and to expose completely the causes which had led to the lamentable situation in which commerce at present stood, that they might be aware in time to come. But it was better to defer the more extended consideration.— Whether the system of the Orders in Council, the plan of

licences, and other measures of Government, had not tended strongly to produce this sad effect, would be a question at another time. But the fact was clear, that commerce was in a deplorable state; and he owned the measures of the right honourable gentleman were a material cause of it. If a house was on fire, the first consideration was to put it out, and afterwards to inquire into the causes which had occasioned it. The questions were distinct, and there would be a disadvantage in involving them; and, besides, if they were to proceed upon the more enlarged view, the Report could not be presented in less than a month. The right honourable gentleman had said, that our relations with America had no connection with the present commercial distress. Whether or not we were right in our dispute with America, he would not now discuss; but when it was considered that America was a customer for twelve millions annually of our manufactures, it must appear a most extraordinary supposition that the stoppage of this trade would add nothing to our commercial distress. It was not to be doubted but this would add very considerably to the distress under which trade now laboured.

*Mr. Perceval* had not said that the stoppage of so considerable a trade as that with America, had no connection with the depressed state of commerce. What he had stated was this, that it was not connected with it through any fault of the Government.

*Mr. H. Thornton* took it for granted, that the object was to inquire into the state of trade only so far as this was connected with the means of giving relief.—To answer this purpose, the original motion was sufficiently well expressed. The amendment proposed would lead into too large a field.

The first part of the Amendment—that the Committee should inquire into the state of the trade of the United Kingdom, was then put and negatived. The question being upon the latter part, that the Committee should report on the causes that produced the same,

*Mr. Perceval* observed, that the right honourable gentleman had surely fallen into some mistake. Was it meant that there should be an inquiry into the causes that produced commercial credit?

*Mr. Tierney*.—No; into the causes of the present state of commercial credit.

*Mr. Perceval*.—Even in that sense it was too large, and

would carry the duties of the Committee much beyond what any one appeared to have in view.

*Mr. Wilberforce* concurred with the last speaker, that the words of the amendment were too large, and that the inquiry ought to be confined to the state of trade, so far as this was connected with the means of relief.

The latter part of the amendment was also negatived; and the motion, as originally worded, agreed to without a division.

Upon the reading of the names of the Members for the Committee.

*Mr. Whitbread* rose and stated, that in his opinion there were too many commercial men proposed, thirteen out of the twenty-one being of that description, and thereby constituting a majority of the whole. The remaining names, too, were chiefly those connected with the right honourable gentleman in office. The right honourable gentleman seemed to hold out, that he had at first rather turned a deaf ear to the representations on this subject; and whether he was a convert to the opinions contained in these representations, or had brought forward the subject on account of the number of applications, and the respectability of the quarters from whence they came, he had not mentioned. But if the commerce of the country was in an embarrassed state, and it was clear that it was, this Committee was improperly constituted. That there ought to be some commercial men was certain—but that they must have a strong bias to recommend the granting of relief, even though it might be doubtful to others whether such a measure would be proper, he thought self-evident, and therefore they ought not to constitute a majority. He was surprised that the name of *Mr. Huskisson* had not been originally proposed, and surprised that there should be any objection on his part when he was at last mentioned. He hoped some other names would be proposed.—The commercial majority was objectionable in the first place, and almost the whole of the rest would be under a vote for any measure of relief which the Chancellor of the Exchequer might have already suggested.

*Mr. Perceval* stated, that he had taken the principal merchants from both sides of the House—persons best acquainted with the subject, and at the same time not likely to be so much affected as less eminent traders, by the present depressed state of commerce. He had no objection, however,

to some more names, though it was desirable that the Committee should not be too numerous.

*Sir John Newport* objected to the constitution of the Committee, on the same grounds as *Mr. Whitbread*.

*Mr. A. Baring* stated, that every commercial man who had expressed a doubt as to the expediency of giving relief, had been named for the Committee.

*Sir John Newport* disclaimed any other objection to a majority of commercial men than this, that they would be, from the nature of the case, acting under an undue bias.

*Mr. G. Johnstone* proposed that *Mr. D. Giddy* be added to the Committee; but nobody seconded the motion.

The Committee was therefore appointed as originally constituted, with the usual powers.

#### THE PRESS IN INDIA.

*Lord A. Hamilton* postponed the motion for orders relative to the press in India; but we could not ascertain to what day.

*Mr. R. Dundas* inquired with what view these orders were to be moved for?

*Lord A. Hamilton* answered, that in his opinion, a very undue power with respect to the press had been exercised in India, and that he wished to call the attention of the House to that circumstance.

#### IRISH AFFAIRS.

*Mr. Ward* understanding that *Mr. Pole* had arrived in town, wished to know whether he had brought any information relative to the proceeding with regard to the Catholics in Ireland, which the right honourable gentleman opposite intended to communicate to the House?

*Mr. Perceval* answered, that the matter was now in such a state that it was unnecessary, he apprehended, to agitate the subject any farther.

#### BULLION.

*Mr. Vansittart* moved for a return of the prices paid for bullion by the Bank, in each year, from February 1797 to the latest period at which the account could be made up. Ordered.

*Sir John Newport* moved for an account of the produce

of the duties on Wines in Ireland, distinguishing the several species of wine; with an account of the produce of the duties on Teas, the produce of the Window Tax, &c. &c. in the years 1808, 9, 10. Ordered.

*Mr. Foster* stated, that he wished to send over the petition of the proprietors of bleach-fields in Ireland, calling for a commutation of the capital punishment for stealing the linen from their fields, that it might be considered by the whole trade, and desired an order of the House for that purpose.

The *Speaker* said, this was a new way of dealing with a petition, and therefore he called the attention of the House to it.

*Mr. Foster* then, however, withdrew his motion, it being understood that he might have full time for the consideration of the petition, which he would send over to Ireland without any formal order.

#### THE IRISH CONVENTION ACT.

*Mr. Hutchinson* adverted to his former statement, that he intended to move for a repeal of the Irish Convention Act. He now supposed, from what had passed to-night, that the question as to the late proceeding under that Act was disposed of; and therefore he now gave notice, that on Monday, the 11th of March, he would move for leave to bring in a Bill to repeal that Act.

The Malt Duty Bill, the Ten Million Exchequer-Bills Bill, the One Million and a Half Exchequer-Bills Bill, and the Irish Treasury-Bills Bill, were read a third time, and passed.

Adjourned till Monday.

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#### HOUSE OF LORDS.

MONDAY, MARCH 4.

The Coroner for the county of Surrey presented the papers respecting the death of the unfortunate debtor in the Marshalsea prison, which were moved for last week by Lord Holland.

#### LIBEL LAW.

At half-past five, Lord Holland moved the order of the day on the notice of motion he had given on this subject.

*Lord Holland* then rose, and commenced by observing,

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that their Lordships were summoned there that day on a subject of very great importance. When he first moved that their Lordships be summoned, he felt persuaded that the proposition he was to submit to them was so reasonable, so consistent with the usage of their House, so clearly deducible, not merely from the duties they had occasionally to perform, but the natural and necessary consequence of those duties which they should uniformly and unremittingly discharge, that he could not anticipate any opposition whatever. He had, however, received an intimation, that opposition would be made, and he took the opportunity of expressing his thanks for the politeness with which it had been intimated to him. He was sorry, at the same time, to observe, that it was from a quarter, whence opposition, on such a subject particularly, seldom proved fruitless. It became therefore necessary for him to dwell rather more at length than he had intended on the grounds of his motion, which was merely for the production of such documents as either were, or ought to be, public to all the kingdom, respecting matters that related to the public administration of justice in the case of individuals accused of libels. To such a production he thought Parliament ought not to object. In another House, if it were regular for him to allude to its forms, he believed that a Committee of Justice was moved for, and appointed to sit every Session of Parliament, and whose duty it was to look at the administration of the Courts of Justice, to watch the conduct of their Crown law officers, and to see that they did not conduct themselves in a manner injurious to the liberty of the subject; not merely that they did not conform to the letter, but to the spirit of the law of the land. The forms of Parliament, therefore, showed, that it was their duty to take these important matters constantly under their consideration. Nay, on this subject, their Lordships would find proof then before them, that there could be no just foundation for opposing this motion, by calling it a charge against the Courts of Justice; for they had before their Committee, recently moved for, information of the number of prosecutions entered into in the Lower Courts, against persons for offences incurring capital punishments under the penalties of the Revenue Laws, and which that Committee was to examine and report upon. The object, then, was to shew the number and the nature of such prosecutions and convictions, which had been done in the discussion of other bills, and

could not be said to convey the slightest imputation upon the Judges; and he could not see why, in this case, the same information might not be given with the same freedom from any imputation of that sort. He meant to throw no imputation upon the learned Judges, for whom he had a high respect, for some of them personal friendship, and admiration of their learning and wisdom. The general principle on which information was produced to their Lordships would, he thought, fully justify what he intended to submit, even *without* a reference to an abuse of the exercise of the power of the Attorney-General. But on that subject, he had to call to their recollection, that a Bill had within the last two or three years been brought in at the lag-end of a Session, which he unsuccessfully opposed, and which passed into a law, altering the old fundamental laws of the country—altering that which the stream of the laws proved to be the law of the land, without any reason assigned for it in the preamble of the Act, except what had been since stated of the Revenue laws. This Act gave to the simple filing of an information *ex officio*, by one man, possibly acting conscientiously, all the force which could be derived from the opinions of twelve lawfully chosen and sworn. For giving him by this Act the power of holding men to bail on his filing an information, no sort of reason was given in the preamble. When he expected that no opposition would be given to his motion, it was, perhaps, a proof of his own simplicity rather than of any thing else. When the law was thus altered, no papers were laid on the table to shew the necessity for it; nor any reason given, except, as he thought, that only and insufficient one, that by enabling the Attorney-General to hold a man to bail, the facility of compelling his appearance was secured, and that his trial for the crime was thereby rendered more probable. Would it be said, that it was now improper to know what had been the effect of this alteration? By the production of the information he sought, they would see, first what its effects had been in the prevention of libels, and the correction of the licentiousness of the press; and whether those who were deemed libellers had been brought to a more speedy punishment. Let their Lordships take the opportunity of looking at this subject, at a time of the session which would afford them opportunity and leisure to examine and judge of the wisdom of this recent alteration of the law. These grounds appeared to him sufficient to justify any noble

Lords in voting for his motion; even though they differed from him in their opinions, and in the remedies which he thought ought to be applied. On a subject with which the administration of the Courts of Justice was connected, he felt himself placed in circumstances that were to him personally unpleasant, and even disadvantageous. He had, in the case of opposition, much to fear; because, if he considered the abuse of the powers of the Attorney-General so great as to require the attention and interference of Parliament, he might be deemed favourable to the particular species of offence, and he might also be accused of great presumption in meddling with affairs of law, considering his education and habits. But, he must candidly say, that the probability of such accusations had little dread for him. (*Hear!*) If in looking back to the history of Parliament and the country as it related to the laws of libel, he could find the best laws on the subject uniformly proposed and supported by high law characters, he confessed, he should admit himself guilty of high presumption in bringing such matters forward: but when he recollected what was the history of such proceedings; that the cessation of the licensing power in Charles II, and James II, was not the work of such eminent persons—when he also remembered that in later years the Libel Bill, the recollection and consideration of which was naturally impressed upon his mind by many peculiar and important circumstances, (the Bill brought in by the late Mr. Fox)—he confessed he could see no reason why any particular description of noble Lords, however learned in their profession, should monopolize the proposition of every measure concerning the laws of the country. (*Hear!*) Many reasons might even be seen, derived from a philosophical view of the subject, and from a consideration of human nature, why, even with the pure conscience and abilities of the noble Lord who was Chief Justice of the King's Bench, such learned persons were not to be expected to be the first on such subjects. It was natural for such persons to think no alterations necessary, and to say conscientiously for themselves, "We have only public justice in our eye." They were, perhaps, the least likely to suggest any limitations to the power of the officers of the law. But neither of his motions went to meddle with the law of libel as it stood. Whether that branch of the laws of this country was or was not perfect, whether the definitions given of libel were near perfection or not, he did not mean to discuss. Perhaps

the prejudices of his education, or some other circumstances, might influence his judgment; he must say, whatever the Law of England was on the subject, that, in his Utopia the branch of the Libel-law would be confined to a very short chapter indeed! (*Hear!*) He admitted what was said of the extreme difficulty of defining libels; but certainly the law has not solved that difficulty as he should like to see it in what might be called a complete Utopia. (*Hear!*) One great point to which he would call their attention was, that the crime of libel was, with the exception of treason, placed on a different footing from all others. It involved a problem, he allowed, which the wisdom of no society had yet succeeded in solving, and thereby setting it free from the political feelings of the day, and the accidental interests and dispositions of those who might be at the head of the administration of the country. The law of England had endeavoured to do more than others in this respect, by the intervention of a Jury of twelve men. But in prosecutions in cases of libel, as of treason, those persons who must be the agents of the government were certainly more interested; or if that were an improper word, he would say, would have a bias towards viewing offences bordering on libels as great crimes even when they were not so by any just definition of them. In the case of prosecution for robbery or felony there was no description of persons interested in that manner. In the case of charges for treason, the government was, doubtless, biassed against those who might probably make a successful opposition to their proceedings. For that reason it appeared, that our law had defined carefully what was meant by the crime of treason, and had placed many guards against the conviction of an innocent man on the charge of that crime. This was much to the credit of our legislature, and formed, perhaps, the best-founded subject for panegyric of any in the whole fabric of the law of England. He should wish to know why nothing of the same kind should exist with respect to libels? He desired to be understood that he was here speaking of the state libels, and not of individual and personal slander. He conceived it to be quite clear, that even lawful discussion was often, thought libellous by those in power, when it was disagreeable and opposite to their view. In this view of the matter, it might be seen that any discussion of the conduct of the members of Government would appear very near to a libel, when carried on in a mode that was unpleasant, while at the same time the conduct of

the individual in doing so, might be great and meritorious. That which came the nearest to the crime, might actually be beneficial to the community. Greater care ought therefore to be shewn, that innocence might not be punished; otherwise the undefined power was a terror to the liberty of the press, which was the great check upon the conduct of public men, and of great importance to the framing and administration of the public laws. (*Hear.*) He wished now to call their Lordships to a particular point, the power of the Attorney-General to file his informations *ex officio*. He had not risen to question the legality of this mode of proceeding, though he knew, at the same time, that men of great learning and authority had held that it was contrary to the law of this land. It appeared to him, that the stream of time gave evidence of what was the law of the land. An *obiter dictum* of Lord Hale's had been given, that if these prosecutions by information *ex officio* were questioned, they could not stand. This had been mentioned by Sir Francis Winington: but my Lord Holt had said that it was the abuse of such informations that had been intended by Lord Hale. He paid great deference to the opinion of Lord Justice Holt; but he was not then questioning the legality. The abuse, however, was admitted to be a ground of complaint by that learned Judge. Now, as to the expediency of such a power existing, that was another and a general question, and was not necessary for his argument. Many persons, however, of eminent talents and profound learning, and high distinction in the profession of the law, had expressed their opinions against *ex-officio* informations. It was not so long since that had been done by Mr. Serjeant Glynn, by Mr. Wedderburne, afterwards Lord Loughborough, and by Mr. Dunning, afterwards Lord Ashburton, a person whom it did not fall to the lot of his time to know, but concerning whom all traditional accounts agreed in representing him as eminent in talents, profoundly versed in the laws and constitution of his country, and a sincere lover of liberty. He could say, that *he* (Mr. Dunning), whom the noble and learned Lord on the Woolsack had stated to have been his preceptor in legal knowledge, of whom he had heard the noble and learned Lord speak in such high and deserved terms of panegyric, had actually thrown down the gauntlet on the subject of these *ex-officio* informations, and had declared that they could be practised only for the purpose of *abuse*. (*Hear!*) He was not now introducing the authorities of Lords Loughborough and

Ashburton for the purpose of suppressing altogether these informations ; but he might properly do it, at all events, in the way of apology for those who thought them unparalleled in the laws of our country, when they were perverted from the purposes for which they were intended. When he saw that, it was natural for him not to feel any great fear of giving his opinion that they were so abused. He would go farther, and say, that if it could be shewn that they were intended by law to go to such an extent as he complained of, he, for his part, would rather risk all the dangers that it was imagined might accrue from an entire suppression of them, than leave them with the mere will of an individual, the Attorney-General, as the only rule for their use, or abuse. —There were, as their Lordships must know, three ways of proceeding in cases of libels ; one by civil action ; but this was not the way of proceeding against a libel criminally, though criminal prosecutions might, in some respects, have arisen from it. There were two other modes of prosecuting misdemeanours : one by indictment, and the other by information. He need not describe the mode of proceeding by indictment. It was sufficient to say, that there a Grand Jury of twelve men must interpose before the matter came into the Court, to be tried ultimately there by another Jury of twelve men. In the case of information there were two modes ; one in which the information was by the permission of the Court, which operated so far, something like the first stage by indictment. The other mode was, the information *ex officio*. Previous to the Act of William III. and Mary, informations through the Crown-Office, and those by the Attorney-General, appeared to have been nearly the same. The preamble of that Act stated, that frivolous informations had been filed ; that persons had been put to expence, and never brought to a trial ; that persons should obtain the leave of the Court, and enter into recognizances to come to trial ; and that the defendant, on acquittal, should in such cases be entitled to costs. As, formerly, informations of both sorts were resorted to by the Crown Officers, it was supposed that if the power was left in the hands of such a high Law Officer, he would not be so likely to abuse his trust, and that persons would be proceeded against with the view of bringing them fairly to trial. They did not apply the other remedy to the cases, *ex officio*, the Crown paying no costs. These informations were liable to abuse, because of the power they gave over all writers, even over those who

favoured the existing power. The law, however, admitted of no proceeding by information in cases that concerned life or limb. Why was this the case, except it was because it was not considered a mode of prosecution so favourable to the individual prosecuted? It was admitted by Lord Hale, and the evidence was conclusive as to his regard for these proceedings, that "two things (says that Judge) are observable. First, that there is no proceeding by information against capital offences." Now, surely, Lord Hale could not mean to convey no more than this mere information, that capital offences were not so proceeded against; for he had said that before in his Pleas of the Crown. Why? Because the merciful law of England prevented this proceeding by information in cases of life and limb, it being, as he (Lord H.) had said already, thought less favourable to the accused party. Secondly, Lord Hale proceeds, "that in all criminal cases, the regular and safe way, and the way more conformable to Magna Charta, and to the Statutes of Edward III. for proceeding was, by the presentment of twelve sworn men." Here was Lord Hale's opinion. What could be his ground for these remarks, when he admitted the proceeding by information to be conformable to the law, unless that he meant the inference that it was liable to abuse and oppression? Oh! but it might be said by some persons, that Lord Hale might have had a bias on his mind on that subject, from the abuses which he had witnessed in the times in which he lived! Well, then, let them hear what was said by the apologists for the practice. He should therefore refer to a more modern authority; but one whom he felt much pleasure and admiration in quoting, for he admired the perspicuity and simplicity of his style, and the many excellencies he discovered, particularly in making his subjects plain and clear to the understanding; he meant Mr. Justice Blackstone, who, however, could not be said to have the bias he had adverted to. His bias certainly was not against any thing existing in the administration of the laws. Excellent as his work was, it was a panegyric on the laws and constitution of England from beginning to end. He said, that it was a fact, that the Attorney-General could proceed by this mode of informations. He then goes on to give the reasons for it, as one who thought every thing good that did exist in the administration of our laws. He stated, that they were necessary to the existence of the British Constitution. He said, that the object of those powers was to

direct the proper prosecutions against such enormous misdemeanours as disturbed the Government of the country, and impeded the exercise of the Royal Functions, in which case, a moment's delay might produce the most fatal consequences. The power of immediate prosecution was therefore given to the King's Attorney-General, and it made a part of the great plan of the British Constitution. This shewed that in cases where they were directed against purposes or acts not calling for immediate prosecution, there was clearly a flagrant abuse. If he (Lord Holland) could shew to the House that such prosecutions had taken place, not only against such crimes as were thus considered of an inferior nature, and not of that enormous character of misdemeanour which alone required them; but also, that no prosecution was followed up in a great proportion of those cases, and that by this practice, the filing of an information was in many cases the fining the party in the expences; if he could prove this to the House, he would assert, that he had proved an abuse of this power which called upon their Lordships to search into the instances, and to devise some remedy against the repetition of the abuse. He believed he had shewn the great liability to abuse of this power, which, like Goliath's sword, should be used only on great occasions; that he had shewn, that the law viewed it as the less favourable mode of prosecution for the individual, and therefore excluded it from cases of life and limb; and that it had been extended and perverted to a degree frightful to liberty. Formerly this mode had been made use of for extortion—then for oppression—now, it would appear, for influence! He must call it a perversion of the Attorney-General's power, and an abuse of it, to extend it to such crimes as he had extended it to. After the time elapsed between the filing of the information and the period for trying it, if the informations were against enormous misdemeanours, there would not be much doubt about bringing on the trial, in order to bring the criminal party to judgment: but if the prosecutions were left short in any of their further stages, was there not ground for suspicions of an attempt to exert an influence, particularly in the case of periodical publications? If he proved that from the year 1801 to the year 1806, only *fourteen* of these informations were filed *ex officio*, and that in the three succeeding years they amounted to *forty-two*; if he proved these things, then was it to be maintained that high and enormous misdemeanours had greatly in-

creased, misdemeanours of such a dangerous nature as not to admit of a moment's delay; was this to be maintained, when it should be proved that the fact was, that of these *forty-two*, the Attorney-General had been unable to bring more than *sixteen* to justice; while the Constitution remained, and Parliament was sitting as safely as before, notwithstanding all the dangers arising from *six-and-twenty* of these unpunished and enormous offenders? His Lordship said it was his wish to avoid noticing particular cases, and to consider the question generally, merely taking up any of them as matters of illustration. He should, therefore, remark, that in addition to this increase, the informations were often filed, not against the persons who committed the original offence, though they were near at hand, and quite within reach, but were directed against persons at a distance; and kept hanging over men's heads in *terrorem*. This part of the subject afforded the plainest evidence, that such an use of power must be intended for influence and for terror! He did think that there ought to be some distinction between the malicious author of a libel, and another, who having no cognizance of its object, accidentally, and without the least malicious design, unfortunately inserted a copy of it, perhaps unknowingly.—The noble Lord then proceeded to remark, that while Sir A. Pigott, a gentleman of the greatest legal knowledge, as well as of the most constitutional principles, held the office of Attorney-General, there was only one *ex-officio* information filed during the course of a whole year. That was for a most inflammatory address to certain regiments just on the point of embarkation for foreign service; which was supposed to have a direct tendency to produce mutiny among them, and to prevent them from going on board the transports. In that libel, if he might be permitted to call that a libel which was never brought to trial or conviction, there did appear immediate danger to be dreaded from its inflammatory tendency; and if such tendency had been actually proved, where, he would ask, could there be a worse or more malignant libel? But, the then Attorney-General was soon changed, and was succeeded by the present, who dropped this information that had been filed by his predecessor against the *Morning Post*, a newspaper which was well known to support the measures of Ministers. We were told, indeed, that this newspaper gave up the name of the author, but it happened that he was not then in

Britain; yet that circumstance seemed to have done away all the atrocity of the libel in the mind of the Attorney-General, for he issued a *nolo prosequi* in favour of the *Morning Post*, and the prosecution was abandoned. It was his (Lord Holland's) opinion, that in general the publishers and printers of articles supposed to be libellous should be let go, when their authors could be discovered. Had the Attorney-General this principle strongly impressed upon his mind, also, on that occasion? Why, then, had he acted since on very different principles? He would ask him, *Si justitiæ causa cur non in omnes? si misericordiæ cur de hanc?* When he saw that the paper so tenderly dealt with, was precisely the one which was in political connection with Ministers, in his mind there was strong ground of suspicion that this power of filing *ex-officio* informations in the breast of an individual was liable to abuse. He wished now to say a few words on the hardship of the proceedings frequently adopted on these informations. Were their Lordships aware that in the case of Crown prosecutions, when the defendants were acquitted, the King never pays costs? Were they aware of the extent of the expences to which individuals were often put, though declared to be innocent, or even when the prosecutions were dropped? In many instances, individuals in a class of life unable to bear heavy law charges were put to an expence of from 60 to 100/. even though their trial was never brought on at all. The summary proceeding, by way of informations, might be necessary to meet pressing exigencies, but still this very circumstance of the great expence to individuals was a ground, if not for distrust, at least for watching with extraordinary vigilance a power that placed the means of oppression in the hands of any one man. It was well known that the Attorney-General often preferred prosecuting the publisher rather than the author; that he sometimes kept the trial hanging over the head of the person accused for a considerable time, and, after conviction, did not for months together move for the judgment of the Court against him: there was every appearance of his being kind only to those who were politically interested in support of the measures of Government; and under all these circumstances, that man's mind must be strangely formed, indeed, who did not entertain some suspicion of a power that was so exercised. Sorry he was to say also, that he saw a tendency and disposition in those to whom the administration of

justice was confided, to encourage those laws with regard to *ex-officio* informations. Feeling as he did the highest respect for the noble Lord who presided in the Court of King's Bench, it was painful for him to say, that the powers lodged in those to whom the administration of justice was confided, appeared to him to have been in some instances converted to an unnecessary aggravation of the punishment. He thought that the Judges legally possessed the power of sending persons convicted of libels to any of his Majesty's prisons; that power might be exercised for the greater security of the offender's person, or even for his personal accommodation; but then it ought not to be converted into an aggravation of his punishment. That, however, must necessarily be the case when a printer and publisher were confined in separate prisons, and at a great distance from the management of their concerns, which might prove actual ruin to them, and consequently one of the severest punishments that could be inflicted. He wished now to address a few words to their Lordships on the subject of Special Juries. So many reports had gone abroad on the abuses, or supposed abuses, to which they were liable, that some investigation should be made how far such reports were at all founded. He would say with Chief Justice Hale, that in criminal cases Special Juries were less favourable for the criminal than common Juries; and that for reasons sufficiently obvious. Accordingly, the law of England provided, that Special Juries should not be resorted to in capital cases, or cases affecting life or limb. In this, did not the law mean that there was a danger of their being less favourable to the subject than they ought to be? But whatever might be in that, he did say, that if reports had very generally gone abroad of a nature unfavourable to Special Juries, it was high time that some inquiry should be made into the foundation of such reports, to show either that the public idea was erroneous, and thus to satisfy the public mind, or to remove those abuses which were the causes of dissatisfaction. He trusted, their Lordships would believe that he was utterly incapable of throwing any imputation on the administration of the justice of the country; it was proper, however, that it should not only be pure, but absolutely without suspicion; and therefore was he anxious that those impressions which had gone abroad, particularly on the subject of Special Juries, should be completely done away, by calm examination, and the ap-

plication of proper remedies if there was found to be occasion for them. Their Lordships would allow him next to say a few words on the policy of these numerous prosecutions for libel. The only rational object of punishment was the prevention of crime by the example which was held out to the deterring of others. But the consequences of a libel were often aggravated and increased to a tenfold degree by the very prosecution which it called forth. If suffered to pass unnoticed in the periodical publications where they appeared, many of these libels would soon pass into oblivion, and be forgotten in a day or two; but by the very mode of prosecution, they obtained a cheaper and more rapid diffusion; and if originally mischievous, their pernicious tendency was then likely to be increased in a degree beyond all calculation. He did not mean to argue against prosecutions at all; but rather to recommend the exercise of a proper discretion. The circumstances which he had stated, were in his mind sufficient to justify some investigation, and to be a ground for the motion with which he should conclude. But he would then state what ulterior proceedings in his opinion should be adopted, were his motion agreed to. In that case, he should wish to propose certain resolutions to the consideration of the House; one of which would be, to confine the filing of *ex-officio* informations within the lapse of a certain period after publication of the paragraph or paper charged with being libellous. By a second resolution, he should propose that it be compulsory on the Attorney General to bring the matter to trial within a certain time, or to state to the Court the reasons why he does not; and that after a verdict had against the defendant, judgment should be prayed against him within a certain limited period. In addition to these resolutions, he should be disposed to move for the repeal of the late Act of Parliament on the subject of *ex-officio* informations, which enabled the Attorney-General to hold to bail any one against whom he chose to file an information. We understood his Lordship also to state, that he felt inclined to move a censure on the present Attorney-General; but from the estimable qualities which he understood him to possess in other respects, and lest such a motion might produce in many of their Lordships an inclination to oppose any of the alterations he had now stated, he should decline submitting any such motion. He must also say, that there were strong principles in substantial justice which required that the defendant, when acquitted, should be

paid his costs; but knowing that it was an essential principle running through the law of England, that the King paid no costs, he should not move any thing on that head. He was aware of the plea by which his arguments were likely to be met, founded on the licentiousness of the press at the present period; but it was his opinion, that the press was not more liable to this charge than it had been at former periods. Look back at the history of all free countries, and it will be found that the men in power were constantly complaining of the licentiousness of public writers. If their Lordships looked back to the classical writers of our own country, they would find them indulging in language that would not be allowed at present. Mr. Pope, for instance, had the following line even on one of the Judges:—

“Hard words and hanging, if you’re judg’d by Page.”

Examine also the writings of Swift, and they would be found to contain much bolder language than what would be tolerated in modern times. The press ought not to be borne down by numerous prosecutions; otherwise it must fall into the hands of the venal, who would poison the minds of the people; or into those of desperate men, who sought only to live by calumniating the characters of others. But some might say, that whatever freedoms the press might take in former times, in this country, all that was altered by the French Revolution. This sort of feeling was held during the progress of that revolution, and then there might be some reason for it, for the doctrine that then prevailed at Paris was, that there should be no prosecution for the press. But it was very hard, that the effects of that revolution should rebound upon the English nation, after the lapse of so considerable a period. It was also sometimes insinuated, that by this licentiousness of the press, you added to the power of the enemy. But this was supposing that the writers who indulged in these freedoms were attached to Buonaparté; a supposition rather of an extraordinary nature, when the unrelenting despotism which that man exercised over the press of France was considered. Among all the abominable and atrocious acts of Buonaparté, none he believed could ultimately prove more fatal to the power of France, (and he said it with exultation,) than his complete suppression of every thing that bore the

semblance of freedom of speech or freedom of writing. It was certainly possible that a licentious spirit in the press, if not checked, might produce disturbance and bloodshed in the country; but let not qualities and attachments be ascribed to it which it did not and could not possess. Neither a democratic spirit, nor the licentiousness of the press were likely to make friends to our inveterate enemy. The liberty of speech at Athens or at Rome did not in those Republics diminish the power of resisting the common enemy. Even during the French revolution, the licentiousness of the press, though it produced scenes of proscription, bloodshed, and horror, did not weaken the energies of the French nation. It neither enabled the noble Lord opposite to march to Paris, nor the Austrians to beat their enemies. It could not be denied, that though it marked out individuals to proscription and the scaffold, yet it had the effect of rousing the French nation to the successful resistance of foreign invasion. That liberty of the press which Buonaparté thought it necessary for his security to put down, would in this country be found a powerful auxiliary to every good government, with a people who were strongly attached to their national habits their glory, and their laws; and therefore he felt convinced that all the circumstances of the times led to a conclusion directly contrary to that which he now combated. When the necessities of the country called for the greatest sacrifices from every individual, then was the time when it was proper to overlook even intemperate language, and when grievances of every kind should be most anxiously redressed. His Lordship concluded with moving, "That there be laid before the House a list of all the informations *ex officio* filed by the Attorney-General, from the 31st January, 1801, to the 31st January, 1811, with the names of the persons against whom the informations were filed."

Lord Ellenborough could not see any grounds in the statement made by the noble Lord which called upon their Lordships to grant the production of the documents moved for. In the whole of that statement there was but one instance adduced as a proof of the abuses alleged to have prevailed, and even that instance was not on the side of severity—it was a case wherein a *nolo prosequi* was entered by the Attorney-General in the progress of an information against the "Morning Post:" and was it on account of such an exercise of discretion, on the side of lenity too, that their

Lordships were called upon to range through such a mass of papers as the motion comprehended? The time included was from 1801 to 1810. He was aware that that was a period which took in the time in which so humble an individual as himself had the honour of filling the situation of Attorney-General. Whether the noble Lord meant to refer to his conduct, he knew not; but as the noble Lord was silent with respect to it, and made no allusion to it, he did not think it necessary to defend what had not been attacked; at the same time he must say, in reference to those learned gentlemen who have succeeded him in that office, that he did feel that their discharge of their public duty, and their discretion in the discharge of it, ought not to be put to the question upon grounds lightly or captiously taken up. He did not see why persons in such stations ought to be made the objects of invidious investigation upon grounds of hazardous conjecture. (*Hear! hear!*) As for the information sought for, what could the noble Lord learn from those documents which he did not know already? If there were any matter of special interest to which he was anxious to refer, every facility in his (Lord Ellenborough's) power should not be wanting to the noble Lord, to enable him to come at the required fact; but he was afraid that this was not the sort of facility that was either wished for or expected. He had reason to know that the facility with which inquiry in certain cases had been made, was painful to the parties making it. They might have their own reasons for wishing obstacles in the way of the information sought for; but with respect to one information required by the noble Lord, if he had as yet met any obstacle, that obstacle he (Lord Ellenborough) should cheerfully assist to remove; but it was not to be informed that the noble Lord had brought his present motion. The noble Lord had talked in a high tone of an *obiter dictum* of Lord Hale's. If Lord Hale had ever said so, which he (Lord E.) believed he never had, his judgment must have been as dormant as in such case he must have wished the law itself to have been: but he never said so; it was not to be credited that a man so perfect in his knowledge of the laws and the Constitution as Lord Hale was, could possibly have said so. The law of informations, not the law of the land! What was law, if this was not? for it had been made law by the same authority that had made all the laws that held the Government together. It was as much law as that which gave the noble Lord the right of

speaking in that House—it was as much law as the law which put the Crown of this realm on the brow of the Sovereign. But he would recommend the noble Lord to trace back the law of informations. He could recommend him a book upon that subject, and would refer him to the case to be found in page 119 of “Shower’s History of the Law of Informations.” He would there find the law of informations to be as old as the common law. If the noble Lord questions the expediency of the law, why not propose that it be repealed? but while it is law, law undoubted and acknowledged, let him not question its legality—(Here Lord Holland intimated that he never had disputed its legality)—The authority of Mr. Dunning, unquestionably very high authority, and which had been so often cited by another noble Lord, had been here relied on against this law. He was certainly good authority, but not, perhaps, on the side at which he had been quoted, as he had himself taken an active part in libel prosecutions, and often pocketed the fees under this very law. (*A laugh.*)—But it seemed that it had been made more grievous by recent enactments. He had expected something from the noble Lord that night against the Indictment Bill. When the noble Lord formerly opposed that Bill, he did not expect that his opposition would then have concluded—*nondum finitus Orestes*. The Bill here alluded to was an Act made within the last four years, giving the Attorney General power to hold persons to bail, against whom informations *ex officio* had been filed. On receiving notice of the noble Lord’s present motion, he was curious to know how often this Bill had been acted on. He inspected the necessary documents accordingly. And now he would ask their Lordships how often did they think this Bill had been acted upon since its enactment? but once (*Hear! hear!*) in the whole four years; there was but one solitary instance of its being acted upon—and he would tell their Lordships in what case that was—the case of a man, one Gorman, who, after having been prosecuted for a libel, and after an information had been filed against him, had the hardihood to publish it again. (*Hear! hear!*) And yet this was the mighty abuse of that Act—this, forsooth, was one of the ruinous stretches of power which threatened the Government with subversion, and put the subjects of George the Third on a par with those of Buonaparté! He knew nothing more to be deprecated in that House than violent and vague

declamations, resting upon no grounds. (*Hear! hear!* from Lord Holland). He was aware to what he subjected himself by what had fallen from him. The noble Lord might call all that he had said a mere *tirade*; but in all that he had said, did he not bottom himself on facts? (*Hear! hear!* from Lord Holland). The cries of the noble Lord could not convince him that he had not. He was used to tumults and alarms—they never yet could put him down. Were he to die the next moment, he never would yield for one moment to tumult. The noble Lord, if not towards him (Lord E.), might, at least in courtesy towards the House, adopt a different tone of exclamation. He repeated that he knew nothing more mischievous in its tendency than inoculating the public mind with groundless apprehensions of imaginary evils. Where there has appeared to him any instance of going beyond the limits of a wise discretion, it had never passed unbranded by him. His abhorrence of the licentiousness of the press was founded upon his love of liberty, which burned as strong in his breast as in that of the noble Lord. If there was one mode more efficacious than another to ruin the liberty of the country, it was by generating that groundless distrust in the great officers of justice, which such needless and vexatious jealousy was calculated to inspire.

Lord Holland threw himself on the indulgence of the House. (*Hear! hear!*) The learned and noble Lord had accused him of not founding his assertions on facts: the noble and learned Lord had himself directly departed from those facts. The noble and learned Lord talked of the courtesy of the House; he would appeal to their Lordships' recollection whether that noble and learned Lord had not himself violated that courtesy by frequent and uncalled for interruptions during his speech. The learned Lord had stated that he (Lord H.) questioned the legality of informations *ex officio*. He had done no such thing. He was accustomed, however, to interruptions from that quarter; and when the learned Lord alluded so much to the laws of courtesy by which that House was bound, he should have recollected that there was one most essential, and that was, not to interrupt a person speaking in explanation. As to the legality or illegality of the informations *ex officio*, it so happened that he quoted from the very same report to which the learned Lord had alluded, and that he said at the time

he was quoting it, that it was an *obiter dictum* of Lord Hale, and ought not to be attended to if it went against the constant stream of law. There was not one argument which the learned Lord used, which was not unfounded, nor one allegation which had not its origin in misapprehension.

Lord Ellenborough said, that what he had charged the noble Lord with was, his professing not to question the legality of informations when he did in fact do so; and he must say, that the noble Lord had confirmed the charge by his explanation.

Lord Stanhope, in justice to his noble friend, could not help stating, that in point of fact he certainly did not question the legality of informations *ex officio*. What he did question, he did not believe even the Chief Justice himself could contradict him in, and that was, that the mode of exercising the power of filing informations *ex officio* might be such as to become illegal. What! when those informations, invented for the purposes of expedition, were suffered to hang protracted over the head of an individual, would any man say, that such an exercise of them did not become illegal? No man could say otherwise. Yet, this was all his noble friend asserted; and the misrepresentation to which he had been subjected must of course have arisen from his being misunderstood. He had asserted, also, that the hanging those informations, suspended *in terrorem* over the heads of individuals, an act so different from their original intention, could be done for no other earthly purpose than that of upholding influence. To this no answer whatever was given; and yet his noble friend was accused of uttering it "lightly and factiously," ("captiously," across the table)—well, they were both the same. (*A laugh*). If he, for instance, made any attack on the Chief Justice, or attempted to give the noble and learned Lord on the Woolsack a trimming, no doubt in the estimation of them both there would not be a more "factious" man in the kingdom than their humble servant. (*A laugh*). This was a very serious subject; and his noble friend had treated it as such: he had quoted the opinion of Mr. Dunning, the ablest lawyer that ever graced the English bar, that *ex-officio* informations, though coming within the letter, did not come within the spirit of the law, and ought to be done away, as they might in some instances become tyrannous. It was agreed on all hands that abuses might creep into the system, and those abuses could only be stop-

ped by parliamentary vigilance. One abuse, for instance, was the delay which had been already alluded to. This could only be encouraged for the purpose of undue influence. Their Lordships ought to carefully distinguish between two species of libels. The one species was libels against individuals, and these it was their duty, as they regarded the prosperity, and honour, and character of the country, to discourage: If such libels were suffered, society could not exist. Truth was no justification. He would put a case:—Suppose a man was in the habit of getting continually drunk (a thing, by the by, which he never did himself,) and that a fellow in the street thought proper to follow him along the flags wherever he went, shouting it out all the road behind him:—now, here the charge might be very true; but still no one could say that the libeller was justifiable. The publication had a direct tendency to a breach of the peace; for every man could not be supposed to possess the politeness of Lord Chesterfield, concerning whom, as connected with this subject, he would relate to them an anecdote. His Lordship was walking along the flags, and an impudent fellow pushed him away, saying “I never give the wall to a scoundrel.” Lord Chesterfield immediately took off his hat, and making a low bow, replied, “Sir, I always do.” To the licentiousness of the press no man could be a greater enemy than himself; to its liberty no man could be a greater friend. All public questions ought to be open to the press; every subject connected with religion, philosophy, government, or the administration of justice. Any thing which could by possibility be supposed connected with the benefit of the nation ought to be duly and freely discussed. This was his idea; and he thought, also, that the licentiousness of the press was the deadliest enemy which its liberty had. He would give them an anecdote on this subject, and perhaps the best history of the country, was the history of its anecdotes. He had an old friend, an amiable, worthy, able man. This friend and he were always differing, but still he did not like him the less, because he knew he spoke from conscience; and when a man does that, he is entitled, if not to respect, at least to tolerance. They differed, among other things, about the press—he was a friend to its liberty—his friend argued for its restraint. He (Lord S.) could not help, however, severely condemning some scandalous libels which were daily pouring forth against Lord Bute and the then

Princess of Wales; but his friend replied, "Oh! never mind them, only let them come to a proper height, and in time the evil will cure itself; meaning thereby, that its licentiousness would at last come to such a pitch that its liberty must be checked in order to restrain it."

*Lord Erskine* had laboured for many years in the profession with the noble and learned Lord opposite; and most undoubtedly, if he thought that the present motion brought into question either his integrity or his honour, he should vote against it. On former questions, when he had painfully differed from many of his friends, he had done so on the ground of the law and the Constitution. He was convinced that his noble friend had not the least idea of disparaging the administration of justice, or reflecting in any degree upon the purity either of the law or its officers. All he had asked for was, the number of informations filed within a certain time. In this he did not call into question the legality of informations *ex officio*. By no means; they were as old as the Constitution of the country, and had come down to us with the ancient statutes and institutions of the realm. It was an indisputed and indisputable right of the Crown, to enter a suggestion on the commission of a misdemeanour by an individual: the reason of this was, that there were some cases so peculiar and pressing in their nature, as to call for an instantaneous proceeding. His noble friend's motion went to suppose nothing—he only asked for the number of informations, and this did not necessarily anticipate any abuse. No, even though on the grant of the motion, that number should, within a given time, be ten times as great as the number within a former given time, still it might happen that the cause of these multiplied informations was the increase of publications; and he believed it was a known fact, that for one newspaper published ten years ago, there were ten published at present. In private cases of felony, the criminal knew nothing till accused in court—he never saw the witnesses till he heard the fatal sound of their evidence against him—he never knew his jury till they were arrayed out before him from the extensive pannel. In stating this, he did not mean to arraign the custom: no, unless this was so, the criminal would become too strong for the law. But in cases where the Crown was a party, that same law, contemplating the terrific champion with whom the accused had to combat, generously encircled him with all its protection. In cases

of treason, for instance, a man must be indicted within three years after the act is committed; he must have a copy of his indictment; must have the names of his jurors, with a capricious rejection of thirty-five of them; he must have the names and abode of the witnesses against him; and his crime must be substantiated at least by two. As to the prosecutions against the press, perhaps a limitation of time also, as in treason, might here be beneficially proposed: but then to be sure a difficulty must arise with respect to periodical publications. He did not pledge himself as to how he should vote on the subject which might arise in case this motion was granted; but the question now was, would they reject that which went merely to seek information and ascertain truth? With respect to the question of special juries, the right of rejection was here withheld, and from the very nature of the case some prejudice must naturally exist. He did not mean to accuse the Master of the Crown office; no doubt he was a very honest man; but still he must select that special jury from those who may be supposed to be in some degree connected with the revenue. He did not wish to see *ex-officio* informations done away; but still he should wish to see the administration of justice popular; and he here quoted the case of Hatfield, which he said impressed his mind with an exemplification of it that he could never forget. He had early struggled for the attainment of that popular justice by obtaining the trial by jury; a struggle of which he was at that moment reaping the fruits, and to which he had to attribute the favours of his Sovereign.

*The Lord Chancellor* said, that he would endeavour to discuss the question with all the temperance that the important nature of it required. The circumstances under which he had been formerly placed obliged him to take a line of conduct different from that adopted by the learned Lord; and were that line to be taken again, he should not, acting upon his judgment, depart in any material degree from it. The proceeding by the Attorney-General was as old as any other part of the law. If that proceeding was conceived unfit to remain a practical part of the Constitution, why did not the noble Baron, or those who were of that opinion, submit a proposition to the House on the subject? Why did they not argue the question upon its general principle, and not resort to what had passed in the King's Bench during the last ten years? Let the whole of

the practice fairly be brought under consideration; and when they had examined it, they would, or he was much mistaken indeed, be as loth to part with it as their ancestors had been at the time of the Revolution, and as those who succeeded them had been, down to the year 1801. There was no person who had filled the office of Attorney-General that instituted more prosecutions for libel than himself. It was a disagreeable duty imposed upon him by the extraordinary circumstances of the times. The libels which he had to prosecute were not the instruments employed by a few factious and turbulent men, but a most formidable weapon, wielded with extraordinary force and consummate skill, for the purpose of overturning the Government. These prosecutions produced all the effect he expected from them; and it was a consolation to him that, in instituting them, he had been, in some degree, accessory to the preservation of the Constitution. It was unnecessary for him to reply to the observations of the noble and learned Lord who spoke last, respecting special juries, because there was not one syllable in the motion relating to it. If that was deemed a subject worthy of their Lordships' consideration, let a motion be made, and the whole argued from facts and principles. He did not mean to deny that general subjects might properly become the subject of parliamentary discussion, though it might be very unfair to argue them on the practice of the last ten years. He could not agree with the noble Lord respecting the impropriety of authorising the Attorney-General to hold persons liable to informations to bail. On the contrary, he conceived it to be a power indispensable to the vigorous discharge of his duty. As to the office of Attorney-General, it was one which from its very nature must subject the person filling it to much unmerited odium. The Attorney-General was always the most abused prosecutor in the country, and he hoped he would always continue to be so: he liked to see the people exercise a constitutional jealousy with respect to that office. But it did not follow that the prejudices of the public against this office were founded. On the contrary, if the cases demanding the filing of *ex-officio* informations for the last twenty-nine years were laid before the House, they would be astonished at the forbearance of that officer. The House would see that the Attorney-General not only did not, but that he dares not use that species of oppression imputed to him. The practice of filing these informations was always

most unpopular, and in the course of his professional pursuits he knew many young men who were called to the bar, most eloquent in their condemnation of it. Somehow or other, however, he afterwards found, that when those very men were employed by Government and taken into consultations, that all the odiousness of the practice vanished from before their eyes. As to the solitary case in which the Attorney-General held the person to bail, it appeared from the statement of the noble and learned Lord (Ellenborough), that it was grossly exaggerated. The suspension of the proceedings against the *Morning Post*, arose from the circumstance of the printer having given up the name of the author. He could not say that he approved of such practice. In the course of his duty as Attorney-General, he made it a point, never to let the Paper escape at the expense of the author, but to prosecute both together, and by doing so he soon found that he got rid of all the authors. He must oppose the motion, because the very adoption of it would in some degree sanction a suspicion that there was something improper in the administration of justice. The substantial interests of the public required that they should give every *prima facie* presumption that persons who filled offices of trust, particularly those relating to the administration of the laws, discharged them with fidelity and integrity; and no clamours should be excited against them, except in cases of such aggravated misconduct as called for the severest reprobation. As for the general topic of the liberty of the press, he would be judged by his acts what his sentiments were on that subject.

Lord Grosvenor observed, that after the able speech of the noble Baron near him, it was unnecessary for him to obtrude a single word on their Lordships. That speech had remained unanswered and unanswerable; except the misrepresentation of the noble and learned Lord (Ellenborough) could be considered as an answer. He felt the deepest regret at hearing the sentiments that fell from that noble person. He thought that his noble friend had laid before the House good and substantial grounds for his motion, and he would, therefore, support it. Enough had been stated to justify an investigation into the practice of the Attorney-General's office.

Lord Redesdale defended the conduct of the Attorney-General.

*The Marquis of Lansdowne* felt it his duty to explain his reasons for the vote he should give, and by so doing to guard against any possible misconstruction of them. Yet, after what he had heard that night from a noble and learned Lord (*Ellenborough*), he was fearful the English language was not sufficiently explicit to furnish him with words which might not be perverted from the meaning he intended they should carry. First, with respect to prosecutions *ex officio* by the Attorney General, he would admit that they were firmly bottomed in the English Constitution. This was a principle which no man acquainted with the practice of that Constitution could deny; and if any testimony of his could be supposed to weigh in favour of it, he would declare, that during the time he filled an important office, instances daily occurred which convinced him of the indispensable necessity of such a power being vested in the Crown. But, in admitting this, could it be said that he differed from his noble friend? Quite the contrary. His noble friend did not question the legality of the practice of proceeding by information; but it was the application of it to which he objected, and solicited the attention of their Lordships. If Mr. Justice Blackstone was well founded in his observation, that informations *ex officio* were only to be employed in cases of enormous misdemeanours, it followed that it was the duty of the House to inquire whether the bases which produced such an increase of prosecutions within the last three years were of this aggravated character. His noble friend had stated, that only sixteen informations *ex officio* had been filed in the six years preceding 1808, and that they had increased to 42 within the last three years. This very increase was a fit subject for investigation. So far from the motion being productive of any mischievous effects, it would be attended with this most beneficial effect, of laying the grounds of the practice before the public, and shewing them that it was a power which was not capriciously exercised. It was incumbent on Parliament to inquire into the causes of the extraordinary increase of informations *ex officio*, and why it became necessary to resort to a mode of proceeding which put aside that great bulwark of personal liberty, the application to a Grand Jury.

*The Earl of Liverpool* contended, that some cases of abuse should have been stated to justify the motion. He

deprecated motions calculated to throw suspicions upon the administration of justice, than which he could conceive nothing more injurious in their effects. The increase of informations was no proof that there had been abuses in the practice. Such increase might have arisen from too great preceding lenity, and required a vigorous exertion of the practice to keep down offences. His Lordship concluded with some very strong compliments to the Attorney General, on the integrity, zeal, and even forbearance with which he discharged the duties of his office.

*Lord Holland* would not have again offered himself to their Lordships, were it not that he felt it incumbent upon him to reply to some imputations which had been thrown out against him in the course of the learned Lord's (*Ellenborough's*) speech. He had been told, that his proceedings were neither manly nor correct. These were strong words; but he trusted, before he sat down, that he should convince their Lordships, that they were wholly unmerited on his part. The noble Lord talked of the contempt with which he treated all imputations on his character. He could assure the learned Lord that this feeling was not peculiar to him, and that there were other noble Lords in the House, himself (*Lord Holland*) among the rest, who could meet with as sovereign contempt all imputations upon their characters or motives, let them come from whatever quarter they might. He was asked, why he did not bring in a Bill on the subject of these informations *ex officio*. This was his answer; because it was not his intention to alter the law in that respect, but to introduce some regulations into it; which regulations would be in the spirit of that Act which the noble and learned Lord was in the practice of executing every week of his life. The noble Earl (*Liverpool*) stated, that no case was made out to justify the adoption of the motion. But was not the uncontroverted fact, that the number of informations had increased in an unprecedented degree, reason sufficient to induce the House to agree to his motion? As to the lenity shewn to the *Morning Post*, he did not make it a subject of complaint. It might have been very proper; but he recollected cases in which the printer was not allowed to escape by giving up the author, but in which the full vengeance of the law fell both on printer, publisher, and author. He contended, that there was a *prima facie* case to support his motion; namely, the increase in the number of prosecutions. How could he

select a particular abuse, unless he had all the cases before him? But although he was not prepared to propose any alteration in the particular law of libel, it did not follow that some change might not be necessary. He was of opinion that it was; and many great men who had preceded him were of the same opinion. Upon a motion brought forward some years ago by the brother of the noble Lord now at the head of the Ordnance, for abolishing entirely the practice of proceeding by official informations, it was supported by such men as Mr. Burke, Mr. Dunning, Mr. Wedderburne, and Sir George Saville; and seventy-eight members were found in the House of Commons to vote for the motion. He must again declare, that his object was not to alter the law; nor would he consider those who might vote for his motion as pledged for his opinions. His purpose was regulation, and not change; which regulation should apply to the time within which the information should be filed—the period between that and the prosecuting it—and lastly, the time between the verdict and the bringing up the person for judgment. Before he sat down, he trusted he should be allowed to say a few words in justification of the motives which induced him to call the attention of their Lordships to this subject. He hoped they would give him credit for being superior to any party impulse upon so grave and important a question. However essential he might consider parties in a free government, this was one of the few occasions in which the exercise of such a spirit would be most unbecoming; of none such was he conscious.

The House then divided,

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Adjourned.

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## HOUSE OF COMMONS.

MONDAY, MARCH 4.

### AMERICA.

*Mr. Whitbread* moved, that that paragraph in the Regent's speech, which related to discussions with America, should be read, in order to intitle him to ask a question on

that subject. [The paragraph was then read as entered.] He had on a former night asked the right honourable gentleman (Mr. Perceval), whether the discussions mentioned in the Speech were not then broken off? He understood the right honourable gentleman to say, that they were not; that an American *Chargé d'Affaires* was to be left in this country for the purpose of continuing the discussions; and that a Minister Plenipotentiary was about to leave this country for America. He had heard, however, in a circuitous way, that a very different feeling prevailed on this subject; and he therefore wished to know, whether he had understood the right honourable gentleman correctly on a subject of so much importance to the commercial and political world. The information he had now received was, that those discussions were entirely terminated, although they might be renewed by our Minister in America. He would wish to know, whether the right honourable gentleman had any objection to laying before the House the Correspondence between Lord Wellesley and Mr. Pinckney on this subject. It appeared to him that no danger could result from so doing, as it is the constant practice of the American Government to publish all such correspondence immediately in their papers. In several of the public papers of this country there had been statements of certain grounds of difference in the discussion between Lord Wellesley and Mr. Pinckney. If these statements were erroneous, the mischief which they were likely to produce would be done away by laying the correspondence itself before the House.

*The Chancellor of the Exchequer* had not misunderstood, in the main part of his statement, although he had certainly mistaken what he had said on some points. He was pretty sure that when he mentioned that an American *Chargé d'Affaires* was to be left in this country, he stated that it was for carrying on the accustomed political relations between the two countries; but that he never stated or implied that the *Chargé d'Affaires* was to carry on these particular discussions. That was certainly not the province of a *Chargé d'Affaires*, and therefore those discussions were terminated in this country previous to Mr. Pinckney taking his audience of leave. There was a great deal of difference, however, between such cessation of the discussion, and between the discussion being broken off, as had been stated by the honourable gentleman. His Majesty's Mini-

sters did not conceive the discussions to be closed. On the contrary, the Minister who was going to America would take over propositions on the part of this Government, which they conceived to be intitled to a favourable reception in America. The honourable gentleman had asked him, whether he had any objection to lay before the House the Correspondence on this subject? He must answer, that he saw very considerable objections to it. Although in America the practice might prevail of publishing such correspondence before the discussion was terminated, yet it appeared to him that such a practice was often very prejudicial to the successful termination of the discussion itself. For example, if there should be a Parliamentary discussion on points discussing between the two Governments, it was not unlikely that arguments and topics might suggest themselves to the ingenuity of some members of that House, which had never occurred to the American Government, and which being so suggested and published in our papers, might retard the desired termination of the discussions, by encouraging the other party to carry their pretensions farther than they would otherwise have thought of. He thought it an inconvenient and bad practice to expose the confidential communications of two Governments, before the discussion was completely terminated.

*Mr. Whitbread* said, that it appeared that in the great points which are at issue between the Governments, namely, the affairs of the Chesapeake, the blockades, and the Orders in Council, the *Chargé d'Affaires* could not continue the discussions. It was extraordinary that the Minister Plenipotentiary of America, and his Majesty's Government, should differ so much in their views upon the subject. The former conceived that the discussions were terminated, whereas to his Majesty's Ministers it appeared that they were not terminated. By the time the right hon. gentleman's speech was read in America, it would be there conceived that the discussions were terminated.

*The Chancellor of the Exchequer* doubted the accuracy of the information which the hon. member had received upon that point.

*Mr. Whitbread* said, that his information came circuitously from the American Minister. He concluded by giving notice that he would, on Friday, bring forward a motion for these papers.

*Lord Folkestone* put off his motion on *ex-officio* informations, from Friday to Wednesday se'nnight.

#### PRINTERS.

*Mr. H. Martin* presented a Petition from a number of booksellers, printers, and publishers, in the City of London, which stated the great dangers to which they were perpetually exposed, in consequence of the Act of the 39th of the King, which was intended merely for the prevention of treasonable and seditious publications. By that Act, every printer was required to put his name and address to every publication printed by him, under the penalty of 20*l.* for each copy printed without it. By the accidental omission of the word "London," in one publication, a printer might be exposed to penalties amounting to 100,000*l.* On the most common hand-bill, this name and address was also necessary, and the most opulent printer might be completely ruined in the course of a few hours absence from his business, by the mistake of his servants.

The Petition having been read, *Mr. Martin* gave notice that on Monday next he would move for leave to bring in a Bill to amend and explain the Act of the 39th of his Majesty.

#### EAST-INDIA DIVIDENDS.

*Mr. Creevey* began by stating, that he should this night content himself with moving for a paper to ascertain the fact, that at the last time of declaring the dividends a sum of 650,000*l.* was distributed in dividends. Although he should only now move for that single paper, yet he thought it but fair to state, that in his view of the subject this was a direct violation of the laws. In the Act of William III. by which this Company was established, as also by the Act of Queen Anne, in which they were allowed to add 1,200,000*l.* to their original capital of two millions, it was expressly enacted for the security of the proprietors and their creditors, that there should be no dividends, except upon the net profits. In 1765 a great alteration took place in the affairs of the Company. The grant of Bengal from the Great Mogul elevated this Company of Merchants into territorial sovereigns. Although the original contract was changed by this circumstance, yet the rents of India, as well as the proceeds, were regulated by strict appropriation. The Company were to be allowed to divide eight per cent.

on their capital; and of the excess of income, after this dividend, three-fourths were to go to the public, and one-fourth to the Company. If it should appear that there were no net proceeds, they were not intitled by law. By a subsequent arrangement, after a dividend of 10 per cent. they were required to set apart half a million for a sinking fund, to pay their debts, and to give another half million to the public. The dividends were to be made only out of the proceeds; and according to the account of many of the Directors, there had been no proceeds for a number of years. Not finding themselves able this year to pay the dividends by the old devices, they borrowed from Government a million and a half, under pretence of carrying on their trade, but really, as he believed, to pay their dividends. He believed, that if their affairs were truly stated, it would appear that the Company is now 15 millions worse than nothing. They might, to be sure, have an equitable claim on the territory of India for that sum, on the assertion that many of their expences had been brought on them by the Government at home. It was impossible for any company to have managed worse than they have done. They are now within three years of the expiration of their charter, and all their stock was spent. If the charter should not be renewed to them, they would still remain a great company, having power to trade to the East Indies, but they would not have this privilege exclusively as they have at present. He gave notice, that he would, on a future day, bring this conduct of the Directors before the consideration of the House; but at present, in order merely to ascertain the fact, he moved "for the statement of the dividend of the years 1810—11, and of the rate per cent."

*Mr. Astell* could have no objection to give the papers which were applied for. The honourable member would find that his ideas on the subject were perfectly erroneous. His statement was unfair both in the law and the fact, and there could be nothing more prejudicial than to send forth to the public and the proprietors so unfounded a representation of the state of the Company's funds. He (*Mr. Astell*) did not understand the law sufficiently to detail it or argue upon it in the case before the House; but he understood from those who were perfectly versed in it, that the law and the fact bore out the Directors in the line which they had pursued.

*Lord Folkestone* observed, that the statement made by the honourable mover, was made on the documents furnished by

the Company itself. From those it appeared that there was a balance of fifteen millions against the Company.

*Mr. Grant* thought it would be improper to enter on any discussion of the matter in its present state. He was perfectly warranted in saying, that both the law and the fact were mistaken on the occasion. The exposition, or *exposé*, as he believed it had been called, now before the Committee, warranted none of the assertions which had been made.

*Lord A. Hamilton* conceived that nothing was more clear than the law, which ordered a dividend to be made only on profits. By an Act of Parliament, the public were entitled to receive 500,000*l.* a year out of the profits of the Company. That money was claimed, and the answer was, that it could not be paid, as there were no profits. (*Hear!*) The Company had no profits to pay the public, but they had profits to pay themselves.

*Mr. Adam* had no wish to bring on an extended discussion; but from his connection with the Company, he thought it proper to deliver his opinion. After the most minute consideration of the 107th and 111th Sections of the Act of 1793, he must say that the conduct of the East-India Company, and of the Directors in particular, was perfectly correct in point of law, and justified in all its parts by the cause. The grand fundamental principle which was to be considered by those who came to treat the question, was, that the India system was the government of a great territory by a Commercial Company, and it was the right and duty of that Commercial Company to have paid their dividends out of the profits of their commerce.

*Mr. R. Thornton* would not set about following the gentlemen who had already spoken on the other side of the House, as their information was so defective and their suppositions so extravagant. The honourable mover had told the Company that they were beggars—all beggars—fifteen millions worse than nothing. How extravagant! That honourable gentleman would perhaps have no objection to some of their stock, or a few of their India bonds, beggars as they were; or, whatever his contempt for them might be, he would not dislike a few of their acres of territory.

*Sir H. Montgomery* said shortly, that the distresses of the Company arose out of their extravagance, in speculations of trade, and their wasteful mode of raising money. He then proceeded to detail some of the modes adopted for the circulation of the Company's bills in India, and ended by saying

that the Directors would have to provide for twelve millions of bills in the course of the present year.

*Mr. H. Smith* said, the territorial expences of the Company naturally absorbed a portion of their commercial profits but under all the disadvantages of late years, the Company were to pay their dividend, and benefit the public service at the same time.

*Mr. Creevey* had heard nothing to convince him of his error. He had been charged with misconceiving the law and the fact. But for the fact, he had only taken the documents that were on their table. He found a learned member (*Mr. Adam*) agreeing with him that the Company were entitled to pay a dividend only out of their profits; so that finally he had for his fact the Secretary of the Directors, unless they chose to disown their Secretary's act; and for his law, he had the authority of the Council to the Board. By the documents signed by the Secretary, the Company were certainly fifteen millions worse than nothing. But it would be expedient to know if any case on the subject had been submitted to that learned Counsel; and if it were, it ought to be laid before the House, as, on a subject of such high importance, they could not have too much information.

*Sir J. Newport* wished to know, before the motion was put, whether the Minister did not intend to apprize the House of the expiration of the Company's charter.

*Mr. R. Dundas* replied, that proper notice would be given.

The motion was then put from the Chair, and carried without a dissentient voice.

#### CAPITAL PUNISHMENTS.

*Sir Samuel Romilly* was instructed to bring forward a Petition on the subject of abolishing the punishment of death in a particular instance. It had been observed and objected to him in the propositions on the subject, which he had from time to time submitted to the House, that he had not proposed the extention of his acts to Ireland. His principal reason for not doing it was, that he was not sufficiently versed in the laws of Ireland to undertake any reformation of their principle; and he had waited, in the hope that some gentleman from that country would do the office. A Petition had just now been put into his hands, signed by a large body of the most wealthy, the most respectable, and the best informed persons in that part of the country from which the applica-

tion was made. The application was to abolish the punishment of death in a particular instance as encouraging depredation by impunity. The substance was that of taking the benefit of clergy from felons in bleach-grounds. The Petition having been read,

*Sir Samuel Romilly* then moved for leave to bring in a Bill to repeal so much of Act the 3d of his present Majesty as went to taking away the benefit of clergy from persons convicted of robbing in bleach-grounds

*Sir Samuel Romilly* next moved for leave to bring in a Bill to repeal so much of the 18th of the King, as takes away the benefit of clergy from felons stealing linen cloth.—Leave given.

#### PENSIONS TO DIPLOMATIC MINISTERS.

*Mr. Leach*, pursuant to his notice, rose to move for leave to bring in a Bill to explain and amend so much of the Act of last session as related to the granting of pensions to ministers who may have served his Majesty at foreign courts. The grounds upon which he brought forward his motion were few and simple. It must be obvious that diplomatic appointments, though the situations were high and honourable, were not sought after by persons to whom the revenue of office was indifferent. There might have been some exceptions, but in general such offices were courted as likely to afford an honourable provision. The revenue enjoyed during service afforded no fund for future provision; and when it was considered that persons holding diplomatic appointments uniformly detached themselves from their connections, and abandoned all views from the prosecution of professions, it must be obvious that they were entitled to some provision after the cessation of their services, or in the interval of non-employment. After a variety of observations, he moved to bring in a Bill "to explain and amend," &c.

*Sir Arthur Pigot* seconded the motion.

On the question being put,

*Mr. Abercromby* protested against the principle upon which his hon. and learned friend had founded his motion. If that principle were admitted, and carried into all the various departments of the public service, it would be a bar to all beneficial regulations.

*Mr. Wilberforce* observed, that a distinction had been and ought to be taken between those persons who addicted themselves to a diplomatic life, and those who went out in a

diplomatic character for a year or two, and afterwards never thought of continuing to serve the public in that capacity.

After a few words from Mr. Leach, by way of reply, the motion was agreed to.

#### PENITENTIARY HOUSES.

*Mr. Secretary Ryder*, pursuant to notice, rose to bring forward a motion for the appointment of a Committee, to consider of so much of the Acts of the 34th and 19th of George the Third, as relate to the erection of a penitentiary house, or of penitentiary houses.

A short discussion then took place, in which Sir Samuel Romilly, Mr. Whitbread, Mr. Wilberforce, and Mr. Secretary Ryder, took a part; when the question was put, and the Committee appointed.

It was ordered to be an instruction to the Committee, that they have power to inquire into the effect produced by the punishment of transportation, and also by the punishment of imprisonment on board the hulks. In the course of the previous discussion, Mr. Whitbread took an opportunity to state, that he had visited the hulks at Portsmouth last summer, and that it was impossible that any thing could be better regulated than the whole establishment. This he was bound in justice, as well to the right honourable gentleman (*Mr. Secretary Ryder*), to whose department the care of this establishment belonged, and to the ability and indefatigable attention of *Mr. Graham*, to affirm.

#### ARMY ESTIMATES.

The House having resolved into a Committee of Supply, to which several accounts previously presented by Lord Palmerston were referred,

*Lord Palmerston* rose, for the purpose of submitting, pursuant to notice, to the consideration of the Committee, a certain set of resolutions founded upon the estimates which had been referred to the Committee. The first thing that he had to point out to the Committee, was a circumstance, which any gentleman must have observed who had looked into the estimates, viz. that though the estimates were framed in the same manner and upon the same principle as the estimates of last year, yet there were various alterations, which had been adopted with a view to render more intelligible the complicated details into which the estimates extended. In the present estimates, many items which were usually included in the Army Extraordinaries, or

cast into a mass, were arranged under distinct heads. The first head he had to notice was the land forces. Gentle men would observe, that there was an increase of 430 men, and a decrease of 18,400*l.* of expence. This decrease arose from the reduction which had been effected in several of the divisions into which this class branched. The next item to which he directed the attention of the Committee, was the estimate for the dragoons and dragoon-guards. Under this head there was a decrease of 34,000*l.* With respect to the infantry of the line, there was an increase of 627 men, and an increase of 28,145*l.* of charge. This increase of charge arose, in the first place, from transferring the 97th regiment, which had formerly been generally composed of foreigners, to the numbered regiments of the line. This regiment had lately been recruited altogether from the militia, and being now exclusively composed of native subjects, it was thought right to transfer that regiment to the infantry of the line. In the unnumbered corps there was an increase of two hundred and fifty-two men, and of 6,800*l.* charge. There was an increase also in the Royal waggon-train. Last year it was proposed to reduce the waggon-train from twelve to seven companies. Three were immediately reduced, but the two others that were to be reduced were at the time serving with Lord Wellington's army in Portugal. The waggon troops were found so useful in the campaign, that Lord Wellington solicited to retain these two troops in addition to the other troops of the same corps serving under him; and on his representation the two troops were continued on the establishment. In the next head of estimates, there was an addition of 34,000*l.* incurred for increased pay of half-pay and supernumerary officers, as well as for troop quartermasters. In the miscellaneous charge there was a decrease of 185,000*l.* though there were considerable alterations in the various items of which it was composed. The next article which he had to mention was the estimate for the regiments serving in India. On this head he should not have to call for any vote. With respect to the embodied militia, there was a decrease of 210,000*l.* of charge, and of 2,000 men. As to the volunteers, it would be recollected, that last year the decrease amounted to 300,000*l.* in the present year it amounted only to 184,000*l.* The next article was the charge for the staff and garrisons, and under this head some increase had taken place in the foreign staff as well as in the Irish staff, though there was a decrease

on the home staff. In the estimate for the pay of superannuated officers there was a decrease of 2,000*l.* arising from the number of officers who had retired from the veteran battalions. In the public departments in Ireland, there was an increase of 1,900*l.*, though in England there was a decrease under the same head of 7,000*l.* There was a decrease under the head of Chelsea and Kilmainham of 4,900*l.*, in consequence of less money being necessary for the buildings. For out-pensioners, there was an increase of 99,000*l.* This increase was to be accounted for in this way: last year a sum of 240,000*l.* of unclaimed prize-money was recovered from the agents, 100,000*l.* of which it was thought right to hand over to the support of the chests of these hospitals. In the present year only 25,000*l.* was to be given from this fund, 13,000*l.* under the head of volunteers; the decrease amounted to 303,000*l.*, the greater part of which took place in Ireland. The diminution in England was 35,000*l.* which arose from reducing the days of duty, and in Ireland from the same cause, as also because the volunteers were not to be clothed this year. In the local militia there was an increase of 61,000*l.* The sum voted last year was less than was required, and left a deficiency of 128,000*l.* He must observe, however, that an arrangement was made for reducing the days of permanent duty from 21 to 14 days—the effect would be, that in fact there would be a saving of 110,000*l.* Such of the men as had not been out before, would be disciplined by officers of the staff seven days before the assembling of the regiments. In the compassionate list the increase was 7,600*l.* of which a considerable portion arose from transferring to that fund charges usually defrayed out of other funds. Under the head of barracks in Ireland, there was an increase of 23,000*l.* The commissariat of Ireland he estimated at 60,000*l.* The next and last article was the superannuated allowances, now for the first time made. In this estimate the decrease of men was 514, the increase of charge 42,000*l.* He had now gone through the whole of the estimates, and he should have thought it necessary to sit down, but that he wished to notice the state of the regular army, and with regard to the amount of force necessary to be maintained. The object in view was not so much the means of raising the regular army, as how it might be kept effective. Parliament had for some years past, by a succession of judicious regulations, laid the

foundation for keeping up a very superior regular army, for the most part of it a disposable force of such magnitude as had never been known till of very late years. This he attributed in a great measure to the means resorted to of supplying the army by draughts from the militia, which was a speedy and certain way of raising men, the good effects of which must be obvious to every one. We had, he said, 211,000 effective men, exclusive of the local militia. The casualties he estimated at from 23 to 30,000 men. The number produced by recruiting must vary, but may be estimated at 11,000 men, and that he thought a very low estimate. He thought the regular establishment of militia, which in effective men was 84,000, rather too great, and it would be advisable to reduce it to the old establishment, which was about 70,000 men. He proposed that 10,000 men should be permitted to volunteer from the militia into the line, which might be allowed without any detriment to the former, as had been proved in Ireland, where the militia were allowed annually to volunteer without injuring the militia. This method he thought most likely to recruit men, and it was his intention when the House was resumed, to move for leave to bring in a bill to this effect. His Lordship concluded by moving his first resolution.

The question being put by the Chairman of the Committee,

*General Tarleton* rose, and entered into a statement of the Continental war in which Great Britain was at this moment, and had for some time past, been engaged. He did this, he said, for the purpose of showing that the means of this country were inadequate to the end, and that the contest must therefore terminate in destruction. In order to prove this, he, in a speech of great length, went over the whole of our expeditions to the Peninsula, and to Portugal, from the battle of Vimeira to the present hour, in which he endeavoured to show that we had in the whole course of that time been playing a losing game, and that Buonaparté and Massena were secretly laughing at the folly and insanity of our present Ministers. The first operation we had undertaken was to defend the Peninsula; the second was to defend Portugal, which having failed to do, by suffering the enemy to take Ciudad Rodrigo and Almeida, the third operation commenced by retreating before the enemy, for the purpose of defending Lisbon. Lord Wellington, for having gained the battle of Talavera, for which he had been rewarded by that

House with their thanks, and for which his Majesty had conferred on him the dignity of Viscount, had the very next day retreated, and kept continually since retreating before General Massena, till he had been driven within the lines of Torres Vedras. To these lines General Massena had followed him close with not more than two-thirds of his army, which was represented by Lord Wellington himself as wanting every necessary; and yet he suffered him to remain close to him with a very inferior force for upwards of three weeks—and, after doing so, to get thirty hours start of him and make good his retreat to Santarem, where he was so strongly entrenched, that he could not attack him without the greatest risk. There (at Santarem) Massena, as he said to his master, was supporting his army by resources drawn from Portugal alone, while Lord Wellington was obliged to feed his own army, the numerous Portuguese who had been induced to quit their habitations and go within the lines of Lisbon, and the whole population of that city—on resources drawn from England, Ireland, America, the Azores, and almost the whole world—we were even obliged to supply the army in Portugal with red port, which was infinitely worse than “sending coals to Newcastle.” The General concluded by saying, that he should not make any motion on the subject, nor object to the estimates now moved; but he thought it his duty to make the statement he had done.

*Lord Castlereagh* approved the determination of Ministers to adhere to the plan which he had first introduced of recruiting the army by draughts from the Militia, by which a great standing army might always be sustained so as to crush any idea of invasion, and at the same time furnish a large disposable force, without the people of this country feeling any dread at so many of its defenders leaving our shores. He conceived, that the army now employed in Portugal was as effectually defending Ireland, as if they were upon its shores, but he thought a great permanent increase to the security of Ireland, and of the Empire, would be produced by a certain interchange of the Militia of the two countries.

*Mr. Herbert and General Stewart* warmly supported the ideas of his Lordship.

*Mr. Whitbread* said, that the Militia had now come to that state that was long foreseen, when it was obliged to furnish an annual draught to the regular army. He thought that this was a most unequal and unjust species of conscrip-

tion. He thought some equal law should be applied to the whole country, and that it was most unfair that those counties should be charged the most for filling up vacancies, that had already contributed the greatest number to the regular army. He thought that one great obstacle remained, which ought to be removed before the Irish Militia was brought into this country. The penal laws respecting Catholics ought to be relaxed; and, in short, that very measure which was introduced by Lord Howick, and which caused the removal of the late Administration, ought to be the preliminary to the adoption of such a plan as was stated by the noble Lord.

*Lord Castlereagh* stated, that Irish Militia regiments had already done service in the Islands of Guernsey and Jersey, and that the penal acts against them in this country were merely a dead letter.

*Mr. Whitbread* replied, that if they were mere dead letters, and could do no good, he thought that they should be expunged from the statute books as most obnoxious.

*The Chancellor of the Exchequer* thought that it was possible that the plan of the noble Lord might at some future time be productive of great advantages to the country. He thought the honourable gentleman (*Mr. Whitbread*) ought not to damp such prospects of public advantage, by introducing points which he knew could not be now obtained, and to which he knew there were *particular feelings*, and particular difficulties hard to be surmounted at the present moment. It was, however, perpetually stated, that the ranks of the British Army were full of Irish Catholics. If so, the Catholics did come over to this country notwithstanding the penalties alluded to by the honourable gentleman. In answer to the long criticism made by a gallant General (*General Tarleton*), on the conduct of Lord Wellington and Ministers in the campaign of Portugal, he must say that his argument was at war with itself. At one time he said that Lord Wellington was strong enough to have attacked the French before they penetrated into Portugal, and raised the siege of Almeida and Ciudad Rodrigo. If that was the case, it was then evident that Ministers must have done their duty in supplying him with such a force. After having blamed Lord Wellington for not attacking the French before Ciudad Rodrigo; he afterwards had blamed the same General for resisting the attack of the French at Busaco. Although the gallant General now most confidently predicted the loss of

the Peninsula and the retreat of the British Army from Portugal, it must be recollected that he predicted the same thing in the last Session, and his prophecy appeared no nearer its accomplishment now than it did then.

*General Tarleton* explained, and adhered to his former opinions, that the British Army was exposed to the most imminent danger in Portugal, and that it ought to be kept at home.

*Mr. Canning* expressed his most cordial approbation of that system which had brought the fortunes of France and of this country to their present situation in respect to Portugal. He thought there was as much wisdom as courage in preferring to contend with the enemy on the advanced post of the Peninsula, rather than on our own shores. When those who had hitherto been so unfortunate in their predictions, and who, in the last session, thought it impossible to defend Portugal for one campaign, came now and predicted again that it must fall—those whose measures had defended Portugal during the last year, had a right to tax those men with the failure of their predictions, and to hold out hope to the country. Lord Wellington had for the last campaign arrested the progress of Buonaparte. That thunderbolt which was directed against Portugal, was by him conducted harmless to the earth. When it was considered how many of the Continental States had been crumbled down before the power of Buonaparte, Lord Wellington would appear as standing on the verge of those ruins to protect allies that were still bravely fighting for their independence. He stood as between the living and the dead to save what still remained of Europe. The expence of the war in Portugal had been spoken of; but it must be considered how much greater would be the expence and ruin if the battle was really to be fought on our own shores, which the honourable General seemed to prefer. There was no part of the Continent in which a British army could act to more advantage, or where a French army would act with more disadvantage than in Portugal. To us the communication was easy by sea. To France the communication was most difficult. The line of march was long, through countries hostile and not affording provisions. He looked at the result, not without anxiety, but without that fear that those appeared to entertain who had always predicted the defeat of the British Army on its retreat from the Peninsula.

*General Tarleton* again stated the danger of having the whole of our military force exposed to hazard against a superior enemy.

*Mr. Canning* said, that he did not wish the whole of our force to be so employed. For example, he wished Lord Wellington to be employed in Portugal, but there were other gallant Generals whom he wished to stay at home. (*A general laugh.*)

After a few observations from *Lord Palmerston*, *Mr. Whitbread*, and other gentlemen, the question was put on the first Resolution, and carried unanimously.

The Report was ordered to be received on Wednesday.

The other orders of the day were then disposed of.

Adjourned.

## HOUSE OF LORDS.

TUESDAY, MARCH 5.

The decree of the Court of Session in the case of *Durham* was affirmed.

*The Earl of Aylesford* presented the answer of the Prince Regent, containing his assent to the Address of the House, praying for the appointment of a law officer to represent the second son of the late Earl of Berkeley.

### CASES OF APPEAL.

*The Lord Chancellor* moved for the appointment of a Committee, to consider the best mode of expediting the hearing of cases in appeal, and writs of error. He forbore then to state what plan he thought best to pursue, but left it to the Committee to report their opinion thereon. Some alterations might be requisite on this subject in the proceedings of the Courts of equity below.

After a few words from *Earl Stanhope*, the motion was agreed to.

*The Earl of Liverpool* moved for a list of names for the said Committee, containing the two Primates, the Chancellor, the Dukes of Norfolk and Montrose, Earl of Westmoreland, Camden, Liverpool, Bathurst, Spencer, Lords Holland, Erskine, Ellenborough, Redesdale, Marquis of Lansdowne, &c. which was agreed to.

*Earl Stanhope* then rose, and spoke at considerable length on the necessity of an injunction to the Committee to record concisely the principles and grounds on which their

Lordships should proceed in such cases. Nothing could be more grievous than the uncertainty of the law, which must be the case, in the manner in which these subjects were settled in that House without recording reasons. For this, he blamed nobody present, as the old practice had been followed: but he did blame the conduct of the House in previous times. Speaking of legal delays, he instanced the Court of Chancery, which Lord Hale disliked, and of which he had said, that one hundred causes were settled in the other Courts while one cause was in agitation there. He had also noticed its inferiority, in the non-examination of witnesses publicly, and the want of cross examinations. He had himself been concerned in one cause there that lasted only eleven years; and in one in the Irish Chancery that continued forty-two years. A relation of his, now dead, Lord Chesterfield, once conversing with a person who mentioned his having a very wild Spanish horse, which jumped over hedges and ditches, and which he had no means of confining, but within a court surrounded by high walls, told him that the best way he could advise him was, to put his Spanish horse into the Court of Chancery, and he would be bound for it, he would never fight his way out! (*A laugh!*) So, indeed, might a future Lord Chesterfield say of the Court of Last Appeal: it would be as difficult to the full to get a Spanish horse out of the House of Lords, if once fairly put in. Magna Charta said, that justice should not be sold, nor *delayed*; and he (Earl Stanhope) was a friend to the principles of Magna Charta. If their Lordships looked at the Appeal cases, they would find thirty-five from the Exchequer, forty-three from the Chancery, and 195 from Scotland: a total of 273. Why, they would become bankrupts in the administration of justice; completely insolvent in the determination of appeals. He would bring a strong authority for avoiding delay, and for the right understanding of the grounds of their judgment; that of a person once one of the twelve judges, but not now: he meant the Lord Chief Justice of the Common Pleas, Lord Eldon, whose opinions he heard in that Court by an accident. He was subpoenaed there on a cause concerning a patent for a mechanical invention, and he remembered being kept in examination by his noble friend near him (Lord Erskine) for four hours. He was obliged to go; for, as Lord Mansfield had said, a subpoena was like being drawn by twelve horses. Lord Eldon's opinion was too good a one

to be changed, and he should read it. It was taken down in short-hand : but afterwards a barrister, a friend of his, shewed it to him, with the noble Lord's own corrections. That was pretty good authority for it. The noble Earl read part of it, which stated that British justice ought to be administered in a manner satisfactory to the parties : satisfactory to the party losing could not be meant ; but that satisfactory reasons were stated for the decision. There was no such thing in that House ; and indeed he could give many instances of the want of knowledge on this subject, which was most injurious. Here his Lordship went at length into the circumstances of difficulty in the Roxburgh case last session, respecting the meaning and intent of the words " heirs male," and quoted passages from the elaborate and excellent speech of the Earl of Lauderdale, since printed. Difficulties of the same sort occurred in Warren Hastings's trial, when his Lordship and the Judges used to go down early, and the rest of their Lordships late. He liked to go down, for the sake of conversing with those eminent and learned persons, of whom he asked a great many questions. Most of them were very communicative, particularly Justice Eyre, afterwards Chief Justice of the Common Pleas, whose pleasant manners were well known. Two of the Judges were rather close ; but he used to find them very often divided about what was, and what was not, the law, and often very nearly equally divided. He was not to be deterred from going on in his measures on this important subject. This put him in mind of a conversation he heard among those Judges ; and he was very fond of their company, and had great respect for them, when they seemed desirous of doing what ought to be done. He remembered an old Judge, and a learned Judge too, Mr. Justice Gould, talking to another Judge about a rumour, that, where the words " from and after the passing" of a Bill were inserted, the whole Session was included as one day. He was surprised at so scandalous and abominable a thing. He inquired of them about it, and was told by several that it was so. Upon this construction a law might be brought in, in November, passed in June, and a man be hanged for an offence committed in May. Now (said the noble Earl) I went to my friend Lord Thurlow, and talked to him about it ; and he told me, it was so, by a *fiction* of the law. A pretty fiction indeed ! He could not persuade Lord Thurlow for some time ; but he kept to him, sitting down on the

woolsack close by him, and *teasing* and *badgering* him, till he made a convert of him at last. Then came in Lord Loughborough, who was always of *his* opinion; and Lord Thurlow being converted, he (Earl S.) got his *law* passed unanimously by both Houses, and destroyed that abominable fiction! That was *his law*! This he did, by his perseverance. He should just mention that Judge Gould told him, that the fiction he had alluded to was introduced in consequence of a crime committed by a great *rascal*, who could not be laid hold of without it. That was *ex-post-facto* law. His noble friend near him (Earl Spencer) whispered that it seemed impossible. Aye, so it would to a man like him, with an honest heart: but he was not to be met with impossibilities, when he could state such facts. As to the benefits of perseverance, he remembered being in an insignificant, miserable minority of *four*, on a question for abolishing that wicked, shocking, infamous traffic in human flesh, the Slave Trade; but he had liyed to be in a glorious majority of a hundred, who abolished it at last. Not long ago, the Judges of the two Courts of Common Pleas and King's Bench were of decidedly different opinions as to whether a man could be a bankrupt who digged his clay and burned bricks in his ground. On every view of the subject, it was necessary to have fixed principles and recorded reasons in the Journals for the decision of the last Court of Appeal, or they would not go far to facilitate business, which concerned the lives and property and happiness of the community. He concluded by moving his injunction.

*The Earl of Liverpool* said, that it was desirable to send the subject to the Committee free and unfettered, to make their report thereon, and determine on what should be done in future.

The motion was lost without a division.—Adjourned.

## HOUSE OF COMMONS.

TUESDAY, MARCH 5.

### SLAVE TRADE.

*Mr. Brougham* rose, agreeably to notice, to move for leave to bring in a Bill for rendering more effectual the Act for the Abolition of the Slave Trade. He moved that the

Resolution of the House in the year 1806, declaring the Slave Trade to be contrary to justice, humanity, and sound policy; and also, that the Resolution of the House of date 15th June, 1810, by which they express their indignation at the attempts made by individuals to render of none effect the Act of the Legislature for the abolishing of that traffic, and declare that they will, early in the next session of Parliament, adopt measures for the better carrying of the Act into execution. These Resolutions being read, the honourable Member said that he now rose, in pursuance of the notice he had given, and of the Resolutions which had just been read, to move for leave to bring in a Bill for the more effectually preventing the dealing in Slaves. When he remembered the almost unanimous feeling of the House on this subject when the Resolution which had been last read was come to; when he reflected on the triumph with which the exertions of his honourable friend, the Member for Yorkshire, had ultimately been crowned in this glorious struggle, he was induced to believe that it would scarcely be necessary for him to do more than to state, that, notwithstanding the Acts of the Legislature, notwithstanding the more recent Resolution of that House expressive of their determination to see that Act strictly enforced, still it appeared that there were persons who, in despite of their authority, did deal in this horrid trade, and did contrive to evade the penalties which they had imposed for the purpose of preventing it. He might appeal for the truth of this statement, to the evidence on the table of the House, and to various other sources of information which had come to his hands, and which were also known to many other Members of the House, and which could leave no doubt whatever that a considerable traffic was still carried on in the trade in question, by subjects of this country, resident in our Colonies. It would be better for him, however, instead of referring to the evidence generally, to notice one or two instances which had come to his own knowledge, and which must satisfy any man, that the trade was persisted in, not only in defiance of the Acts of the 46th and 47th of the King, but even in defiance to the last Resolution of the House. In doing so, he would have a disagreeable task to perform; and, as he should have to allude to persons against whom he had such evidence as would be sufficient to lead to their conviction were they to be sued for penalties, or even to bring home to them a capital felony, had it pleased

the Legislature to make it an offence of that nature, while he made his statement with full confidence of the truth of what he stated, he should, on account of the heaviness of the charge, not mention the names of the parties, nor even allude to them in any pointed manner. The trade was now carried on, not by vessels supposed to be employed in such a traffic, but in the more innocent one of trading in wood and ivory. One ship, the Neptune, belonging to persons who had formerly been large dealers in this trade, had lately been sent on a voyage for the purchase of wood and ivory. After its return, however, two of the men, persons of excellent character, had stated that the Captain also took on board thirteen slaves and two boys, who were carried to the Isles of Princes, belonging to Portugal. The Captain, after this, bought a smaller vessel, and carried on a traffic between the African coast and some foreign possessions, which served him as an *entrepôt*. Another vessel, named the George, but the name of the Captain of which he should not mention, it had been confessed by the Captain himself, had sailed expressly on a slaving voyage. The Captain had been heard to express his anxiety to get safely out of the port from whence he was to clear, not doubting that if he did so, he should be sure of sailing without interruption. Three months ago, one of our King's ships stopped a merchant vessel, of which suspicions were entertained, and on examination the carpenter declared that he had been ordered to fit her out with bulk-heads and boards, which are the never-failing symptoms of a slave-trader. On the 12th December, after the House had expressed its indignation at the attempts to continue this trade, a King's ship fell in with a vessel which bore the name of the Marquis Romana, but which was in reality the Prince William, an English vessel, the owners of which were well known, and on board of which vessel there were not fewer than 109 negroes. There were others in the same situation, but which he should not mention. He could not help, however, alluding to other two vessels, which passed by the names of the Galicia and Palafox, it being pretended that they were Spanish vessels. It was made incontestably evident, however, that they belonged to English owners resident in this country, and were in part manned with English. These vessels were stopped on another ground, and were on the point of being released, when it appeared from the deposition of one of the masters, that they were the Queen

and Mobawk; that they were well known to be the property of the English owners; were under the superintendence of English supercargoes; and that the name of one of the captains was George Woodbine, which he had changed to that of Giorgio Mandesilva, for the sake of carrying on the deception. Not to trouble the House with more instances of this kind, he begged only to call their attention to some letters from Colonel Maxwell, and from the Judge of the Admiralty at Sierra Leone. These proved, that though the traffic was greatly diminished, and bore no proportion to its former extent, yet that there still existed sufficient to render it highly worthy of the attention of Parliament, and that it well became them to consider how they should best free themselves from what still remained of it. The Judge mentioned that since his arrival in March, 1809, no fewer than 1091 slaves had been brought for condemnation in his Court. He was, therefore, warranted in saying, though the trade was greatly diminished, what remained of it was well worthy the attention of the House. He was not disposed to state many of the slaves so carried off were introduced into the British Colonies; but he did say that they were carried to St. Bartholomew's, and St. Croix, for the purpose of being sent from thence into other islands. In the latter island, advertisements for the sale of such slaves were even exhibited publicly and in open day. It was not necessary for him to accuse those interested in our West-India possessions with violating the Act of the Legislature of this Country, and the Resolutions of the House; it was sufficient if these slaves were carried to Demerara, Berbice, and the other newly-conquered islands. If necessary, on this point he could refer to a contest between the Governor of Demerara and the planters of Berbice, where in a memorial by the latter, signed with their own names, it appeared that they not only continued to import negroes, but that they were even ignorant of any law to prevent them from doing so, or, if they were aware of such a law, that they were not disposed to attend to it. What these memorialists principally complained of, is the frequent seduction of their weak-minded and new negroes. Gentlemen might suppose that this was before the expression of the feelings of that House on the subject.—But no such thing. This was only in November, 1809, no less than four years after the Resolution of the House, and two years and a half after the passing of the statute. In defiance of these Resolutions and of the statute,

therefore, the House saw the importation of new negroes encouraged. If such a trade was to be suffered to be carried on, it would be better to suffer it to proceed as formerly, so that the honest dealer, as well as the smuggler, might have the means of carrying it on. It was unjust to the fair trader, that he should be excluded, while the unfair trader makes a calculation of the chances in his favour, and is suffered to be in a better situation than before the trade was put a stop to. The West-Indian himself must be anxious to cut down a trade in which he himself had no share. If again the House looked to the ship-owners, they had now little or no interest in such a traffic, having diverted their capital into another channel. The trade was so much reduced, so far as they could be concerned, that a love of contraband alone could induce them to wish its continuance. So, it was only from one description of persons that the House could now look for opposition to the effectual abolition of this traffic. And they were the persons, who, so far from being objects of favour or compassion, were those who ought peculiarly to be struck at, being those who were now concerned in an attempt to continue this trade, in defiance of the Resolutions of the House, and of the Acts of the Legislature. It was enough for him only to allude to this fact, to take from such persons any portion of the favour of the House. One successful adventure, it appeared, was sufficient to cover three or four failures, and with such prospects of advantage, not having the benefit of insurance, adventurers of this kind finding it necessary to be their own insurers, saw their advantage in having three or four ships out at one time. If the House only considered that such persons could not but be aware of the nature of the trade in which they were about to deal, they could hardly fail being satisfied that there was not a single object more appropriate for criminal legislation. A person fitting out a vessel for this trade knew that he was to arrive on the coast of Africa, and that in various ways he was to get into his possession a cargo of human beings; that he was to sell them into a state of slavery infinitely exceeding every other, and with circumstances too disgusting to be dwelt on. It was impossible that a person engaged in such a speculation could have his eyes shut to the evils he was about to inflict; so that, instead of being a *malum prohibitum*, it must be seen to be a *malum in se*. Without going further into the

cruelties of the trade, without looking to the hardships of the middle passage, it was impossible for any man to shut his eyes against the horrors of such a traffic; and what then should be said to a person in this country sending his deputies abroad to inflict miseries and cruelty greater than any other? That such would properly fall under the cognizance of the criminal law, it would not be necessary for him to adduce many instances to prove. By an Act in the reign of George II. any waterman on the river, carrying above a certain number of passengers in his boat or wherry, if by any accident a life should be lost, was declared guilty of felony. So even while the Slave Trade was tolerated, it was punishable to carry above a certain number, in proportion to the tonnage of the vessel, through the middle passage. There were many other instances which he might mention. It was declared to be felony, without benefit of clergy, to damage any public works; to damage London bridge, Fulham bridge, &c. &c. To destroy any lock or sluice on a canal; to destroy any turnpike-house or gate, &c. and by the 48th of the King, it was declared to be felony to steal oysters, for which the persons offending were subject to transportation for 14 years, or to hard labour for three years. The House would recollect that he was talking of that which was robbery, torture, murder; and they would not fail to punish such an offence with something at least equal to the punishment imposed for stealing an oyster. It was said, that the great bulk of this trade in Slaves, was carried on by the Americans, and the Spaniards. It would appear, however, that both those countries were putting down the traffic as we had done; and the message from the President to the Congress of the United States, recommends the taking of further measures for a complete abolition of that trade. The measure he proposed to introduce would have the effect of making the supercargoes liable, who would be struck at by the Act; and if foreign cruisers should endeavour to come into our settlements, they might be brought to trial, as a foreigner in this country trying to escape might be brought to punishment. After apologizing for going at such length into the subject, the honourable gentleman concluded by moving for leave to bring in a Bill to render more effectual the Act for the Abolition of the Slave Trade.

*Mr. Marryatt* said, he had received information of one ship having been seized laden with slaves, and that there

were three others in similar circumstances which were following. From every information the trade was still carried on to a great extent; and he trusted every measure would be adopted totally to prevent it.

*Mr. Wilberforce* strongly supported the measure now recommended to the House, and begged of his honourable and learned friend to accept of his warmest thanks for the great trouble and anxiety he had shown in bringing the matter before the House. He hoped, that as they had a great deal to answer for in allowing so horrid a traffic to exist for such a length of time in this country, the House would now do all they could to make a compensation for the evils they had so long suffered to exist, by providing, by every means in their power, for its total prevention in future. The measure of his honourable and learned friend, he trusted, would have this effect. He had no doubt it would be unanimously agreed to; but, if it should prove ineffectual, other measures must be resorted to.

*Mr. Barham* was sorry to understand, that the illicit trade in Slaves had so greatly increased, that, if not effectually checked, it seemed as if it would shortly exceed that Slave Trade which had been abolished.

*Mr. Perceval* fully agreed in the necessity of taking every step that should be found necessary for totally stopping so unjust a traffic. He could not suffer the business to pass, however, without distinctly stating, that the object of the honourable and learned gentleman, as imparted to him, did not go to make the offence a capital felony, but one punishable by transportation or imprisonment.

*Mr. Brougham* explained, that such was his object in the first instance. He should propose, transportation for any period not exceeding 14 years, or imprisonment for not more than three nor less than two years. It was impossible, however, for him to pledge himself that he might not afterwards, if the present measure was found inadequate, move that the punishment be made capital.

*Mr. Canning*, though no person viewed the traffic with more horror than he did, was still of opinion, that having been so long suffered to exist, the House ought not at once to go the length of punishing it with death. To the proposition of the honourable and learned gentleman as now stated by him, he (*Mr. Canning*) gave his hearty assent.

The motion was then put, and carried *nemine contradicente*; and Mr. Brougham, Mr. Wilberforce, &c. had leave to prepare and bring in the Bill.

RESOLUTION RESPECTING THE ARRANGEMENT OF THE  
IRISH BUSINESS IN THE HOUSE.

*Sir John Newport* rose, pursuant to notice, to move a Resolution, ordering that no public Bill should pass that House, unless the same interval should occur between its first and second reading, which took place between the first and second reading of every Irish private Bill. He said that it was but fair, that the Irish should have a fair opportunity of knowing the exact state of their public business in that House. This he conceived to be impracticable under the existing regulations. There was an Act then pending in the House, limiting the number of persons concerned in stage-coaches. This would considerably affect private property in tolls, and would in all probability be passed into a law before any portion of those most interested in its provisions would know any thing of any such measures having been agitated. After some further observations, he concluded with moving the Resolution above stated.

*Mr. Foster* opposed the Resolution, on the ground that no inconvenience had arisen out of the regulation now existing, and that the one proposed would have the effect of unnecessarily retarding the public business. He objected also to the preamble, the wording of which implied a direct censure on the Union between both countries—a measure which, although sincerely and strenuously opposed by him (*Mr. Foster*), had yet been cordially supported by the right honourable baronet.

*Mr. Hutchinson* thought the objection of the right honourable gentleman to the preamble rather singular: the preamble was disapproved of because it censured a measure which had been supported by his right honourable friend. Did that preamble state what was not the fact, or rather did it not speak the language of the commercial interests in Ireland? Were not those interests from day to day in every session obstructed and injured by the pernicious system of hurry, precipitance, and inadvertence, which marked all their proceedings upon Irish questions? One ground of the right honourable gentleman's objection to the proposed regulation was, that no inconvenience resulted from the present mode. His personal experience enabled him to set the right

honourable gentleman right on that head. He had known repeated instances in the course of the last and former sessions, in which measures involving the interests of one of the first commercial cities in the empire, the city which he had the honour to represent, were rapidly carried through that House, though he (Mr. Hutchinson) had made earnest but ineffectual applications for time to consult with his constituents upon them. He had, then, no doubt that the present mode was a bad one. Whether that proposed by his right honourable friend could completely remedy the former, he was not equally certain; but sure he was that some change in the present regulation was imperiously necessary; and as the Resolution proposed must in some degree effect that change, it should have his cordial support.

*Mr. Parnell* thought that the Irish people had a right to expect a full and timely communication with their representatives upon all subjects affecting their interests.

*Mr. Wellesley Pole* said, that until some case was made out of actual inconvenience under the present mode, he should not vote for any change in it.

*Mr. Shaw* (of Dublin) said, that he could not agree with the right honourable gentleman (Mr. Pole) in thinking that no inconvenience had resulted from the present mode.—He had had personal experience of many, affecting his constituents in particular, where measures were hurried through the House: amongst others, the Police Bill had not been treated with that consideration which it called for. (*Hear, hear!*) Upon this and many other occasions, he himself had in vain applied for time. (*Hear!*) A striking instance of the hurry and inadvertence which had prevailed in hurrying Bills through that House, without due consultation with those who were more immediately to be affected by them, was, that when the Magistrates were about to enforce a certain clause in the Wide-street Commissioners Bill, they found, for the first time, that that very clause had been repealed by the provisions of the Dublin Coal Bill, passed the preceding session. (*A laugh, and Hear!*) Such was the negligence and haste with which these Bills had been hurried through that House. (*Hear!*) Circumstances of this nature could not but create that dissatisfaction and distrust, which it must be the wish of every honest man to remove. The effects were, however, but too obvious, and the general complaint in all the public meetings

in Dublin was, that any thing was attended to in the House of Commons but Irish business. (*Hear!*)

*The Chancellor of the Exchequer* was surprised to hear the honourable gentleman who spoke last select the Dublin Police Bill as an instance of that hurry and neglect of which he had complained. That Bill was brought into the House some time before Easter, and was not passed into a law till some time after Easter. What had appeared so very absurd in the repeal of the clause of the Wide-street Commissioners Bill by the Dublin Coal Bill, would not be thought so extraordinary, when it was known that the Wide-street Commissioners fund was principally supplied by the product of a duty on coals; here, however, it was evident, that the honourable gentleman's observations could not apply, because that Bill was a private Bill, and therefore its delay could not have been owing to those alleged inconveniencies which the resolution of the right hon. Baronet meant to remedy.

*Mr. Shaw*, in explanation, said he meant the Paving Bill.

*Mr. Croker* disapproved of their prescribing limits to their own discretion, and throwing such a slur and censure on their past proceedings, as to pronounce themselves guilty of the hurry and neglect imputed to them.

*Sir John Newport* then replied, stating shortly, that if he was an enemy to the legislative union—if he was an enemy to the joint prosperity of both countries, he should wish that every measure, such as that he now proposed, should be rejected; but as he was the reverse of all this, he hoped it would be acceded to.

*Mr. Foster* said, that the Tax Bill alluded to was brought into the House on the 5th of February, and received the Royal assent on the 15th of June. The session ended the 21st of June. Was this hurried? The accounts are laid before Parliament in March, and the Irish Chancellor is precluded from entering upon the loan till the whole amount shall be ascertained, and the quota for Ireland fixed on.—The next thing objected to was the Stage-Coach Toll Act. The tolls of two roads in Ireland were farmed out to individuals, who were aggrieved by the Bill. The public, however, would not have complained of it. The last case, the Liquorice Bolls duty, was merely a slight arithmetical error. As to the complaint of the neglect of Irish business in the

House, this neglect was solely imputable to the Irish members themselves.

*Mr. Hutchinson* said, it was contrary to the practice of the House, as well as indelicate, to come forward with individual instances; but it was consistent with his knowledge, that, as representing a great commercial city, complaints had been frequently made to him, by his constituents, of Bills affecting their commercial interests passing in a hurried manner through the House. He could produce numerous letters on the subject, couched in very violent terms. He defended the conduct of the Irish members from the attack which was made on them by the Irish Chancellor.

*Mr. Croker* said, that the hon. gentleman who spoke last had taken an effectual way to avoid being contradicted.—He wraps himself up in a certain mysterious dignity, and tells the House that nothing shall ever wrench a single fact out of him. (*Laughter.*)

*Sir John Newport* explained.

After a few words from the Chancellor of the Exchequer and *Sir John Newport*, the House divided, when the numbers were,

For the motion - 29      Against it - 74

Majority - - - 45

The Slave Trade Bill was read a first time.

#### ADJOURNED DEBATE WITH RESPECT TO ORDERS AND NOTICES.

*Mr. Whitbread* rose, for the purpose of objecting to the arrangement proposed by the right honourable gentleman opposite. He considered that it would produce much inconvenience, and that it went directly to subvert public liberty, by placing the business of that House at the disposal of the Minister of the day. (*Hear! hear!*) He wished to know, had any additional trouble to Ministers arisen in this session, which rendered such an innovation necessary?—Three such sessions as the three last could not properly be anticipated: They were distinguished by tedious and public examinations at their bar, a circumstance which had not been known for twenty years before. The right honourable gentleman pretended that he was compelled to propose this innovation by the additional pressure of public business; but the fact was, that this pressure was owing to the right honourable gentleman himself, who decreased the

session as the urgency augmented. Parliament was convened at a later period since the Union than before it, under the pretence of conveniencing the Irish members; and it was prorogued at the usual time, under the pretence of conveniencing the members in general; so that here they had the increased business, and the decreased time; and the necessary consequence was, that the Ministers were obliged to propose an innovation, in order to countenance their own delay. The act of the English Chancellor of the Exchequer, in hastily proroguing Parliament, was quoted by the Irish Chancellor of the Exchequer as his excuse for hurry; and thus it appeared that the apology of the one Minister must pre-suppose the culpability of the other.— The Chancellor of the Exchequer was the last man in that House who ought to excuse himself for hastily proroguing the session, on the ground of convenience to the House, as he himself, to answer his own private ends, had actually kept them sitting to the middle of ———, at a very great general inconvenience. If this regulation should be carried, a great many supplementary ones must follow. For instance, they must resolve that the orders of the day should be called over in succession, that no Bill likely to provoke discussion should be introduced after ten o'clock; and they must also come to a regulation as to the priority of Money Bills. He would, however, oppose the innovation, *in limine*, on the simple ground of its giving the Crown, through its Ministers, a control over the House. He begged pardon for thus re-stating the difficulties which stood in the way of this proposition; but really there were so many members who could not see them, and so many more whom it was hard to make comprehend them, such recapitulation was necessary.

*The Chancellor of the Exchequer* contended, that such an arrangement as he had proposed was necessary to avoid the inconveniences which had occurred last session. With respect to what the honourable gentleman had said, of his wanting to hasten the conclusion of the session, it was not his inconvenience he had alluded to, but that of the members of the House, who certainly could not be induced to attend at a late period of the session. It had been suggested, that it would be better to have this regulation by an understanding of the House. It might be so, but to that the honourable gentleman (Mr. Whitbread) objected as much as to the other. As to having the disposal of three

days in the week, he was willing to concede that, and to take Mondays and Fridays, leaving the Wednesday open for orders in which there would be no discussion, and such notices as might be fixed for that day; and he hoped by thus giving up the Wednesday, the House would be induced to adopt his motion.

*Mr. C. Wyndham* said, when a bad precedent was first attempted, it ought to be opposed. He did not like to depart from the ancient rules of the House; and in consulting the Journals he found the present practice originated with our ancestors, from the maxim, that redress of grievances should precede the granting supplies. Motions were for grievances, and orders of the day for supplies. These rules had been adhered to without any inconvenience till very lately—that it had become a fashion to make the session shorter, and yet pass more Bills in it. In 1797, Parliament sat 27 weeks, and passed 94 acts. In 1808 it sat 22 weeks, and passed 152 acts. Ministers had an opportunity of proroguing Parliament whenever they pleased, and might get rid of all notices then to be brought forward, however important. He therefore objected to the motion.

*Mr. Bastard*, in answer to what was said by the Chancellor of the Exchequer, that members could not be induced to attend towards the end of a session, said, they were sent there to do the business of the country, and if it required them to stay a whole year, they were bound to do so. He believed the Chancellor of the Exchequer wanted to expedite the business of the Crown; but he (*Mr. Bastard*) was to look to the rights and privileges of the people; and as the present practice was framed for the benefit of those rights and privileges, he should object to the motion which went to change them.

*Mr. Canning* thought there were inconveniences on both sides; but he was for giving it the trial of a session, and should vote for the motion.

*Mr. W. Elliot* was against the motion, and scouted the word “Notice” as altogether unparliamentary.

A division took place.

Ayes ————— 82      Noes ————— 36

Adjourned.

# HOUSE OF LORDS.

WEDNESDAY, MARCH 6.

## LORD CLONCURRY'S DIVORCE.

*Mr. Dallas and Mr. Garraw* were heard at length on the question of the admissibility of Lady Cloncurry's letter of confession.

*The Lord Chancellor* reviewed the facts of the case as far as the letter was concerned, and concluded, from the peculiar circumstances of that letter, coupled with Lady Cloncurry's declaration, that it was made under a promise of forgiveness, that the said letter ought not to be received.

*Lord Erskine* thought that they ought not entirely to depart from the rules and restraints that existed in these cases in the Ecclesiastical Courts. He fully concurred in the opinions of his noble and learned friend.

The admission of the letter was then negatived. The further proceedings were adjourned till Friday.

The Exchequer Bill, &c. went through the Committee. Adjourned.

# HOUSE OF COMMONS.

WEDNESDAY, MARCH 6.

## STEEL MANUFACTURERS BILL.

On the question being put for the third reading of this Bill,

*Mr. Davies Giddy* said, that he had many objections to this Bill; but yet, upon the present state of it, he did not intend to divide the House. He objected to the competition which was to be set up between females and the regular journeymen. If the evils which he apprehended were found to result from the Bill, he would move for its repeal.

*Mr. Curwen* conceived that it was a great hardship on journeymen, that when they were liable to such severe punishments for combinations, there was no provision made, nor any appeal open to them, to determine whether their demands were reasonable or not.

*Mr. Ross* said, there had been most serious disturbances and great injury done to the property of the masters in this trade, by combinations of journeymen. Whatever general principles applied to the case of masters and journeymen, should be the foundation of a general law, and not applied exclusively to this trade.

*Sir John Newport* and *Mr. Parnell* objected to the principle of Parliament attempting permanently to settle the rate of wages in any trade.

The Bill was then read a third time and passed.

#### CATHOLIC SOLDIERS.

*Mr. Parnell* gave notice, that he should move for a clause to be introduced in the Irish Mutiny Act, to protect Roman Catholic soldiers from being compelled to attend divine worship in the established churches. He moved now for a copy of the general orders published in Ireland upon this subject.—Ordered.

#### SUPPLY.

*Mr. Wharton* moved, that the House should resolve itself into a Committee of Supply.

*Mr. Creevey* could not avoid taking notice of the mode by which it had been settled yesterday, that the orders of the day should on some days have precedence of notices. He had himself complained of the way that Money Bills had often been passed in that House, and at a time that they were not expected; but this was not the manner in which that evil was to be remedied. As by this regulation the power of bringing forward motions or notices was much curtailed, he would not conceive himself in future bound to give any notice of a motion. Every member of the House had an inherent right to bring forward a motion at any time he might think fit, without any notice at all.—By virtue of that right, he should now move, as an amendment, that all the words after “that,” in the original motion, should be left out, and the following words inserted: “the House should, on this day fortnight, take into consideration the official duties, and fees of the two Tellers of the Exchequer, the Marquis of Buckingham and the Earl Camden.”

*The Chancellor of the Exchequer* said, that it was easy to perceive that the honourable gentleman had brought for-

ward this motion without notice, in consequence of his being displeased at the regulation recently adopted by the House with respect to orders and notices. He would freely admit that every member had an inherent right to bring forward a motion whenever he thought proper, without giving any notice. In some matters of great urgency, it was necessary that this right should be exercised; but in other cases it was evidently for the general convenience that notices should be given, and such had been the constant practice of the House. The motion of the honourable gentleman was certainly not of a very pressing nature; for it was little more than a notice, that on this day fortnight he would do something or other. It appeared to him, that whenever the business was not very pressing in point of time, there should be previous notice given of a motion.

*Mr. Tierney* supposed that this motion had been brought by his honourable friend (*Mr. Creevey*) merely for the purpose of trying the right. He would say, for his own part, that he would not in future conceive himself bound by any courtesy to the House, to give any previous notice of a motion. He, however, spoke pretty disinterestedly on this subject; for he was sure, that in the last ten years, he had not given above five or six notices, and was not very likely to trouble the House much in that way. When, however, some of the rights of the Members had been taken from them by the strong arm of power, it became more necessary for them to cling to what had been left them. The right hon. gentleman (*Mr. Perceval*) had certainly not had any reason in the course of this session to discover that this regulation was necessary. It seemed that what had passed last session had made that gentleman completely lose his temper. (*Mr. Perceval* here expressed dissent). He knew that the right honourable gentleman had as good a temper as any man; but it was enough to try the temper of any Minister, not only to be kept out of his bed night after night, as he had been, but to be so often left in minorities. (*A laugh*).

*Mr. Wilberforce* said, that he had voted for the regulation last night as a matter of experiment. In the course of last session many very important measures were necessarily hurried through the House, without such discussion as their importance required. It was his wish that measures really of a public nature should have more time allowed for their discussion than was given in the last session.

*Mr. Ponsonby* said, that if at the close of the session some public business was hurried over with less discussion than might have been wished, it must be recollected that those gentlemen who sat on his side of the House knew nothing of the time when the Session would begin, or when it would terminate. From their ignorance of the time when the session would close, they might be induced to give notices of motions, which they would not have brought forward if they had had that knowledge.

*Sir Francis Burdett* was of opinion, that many of the motions brought on upon notices were fully as important as any of the orders of the day. He apprehended, however, that his honourable friend ( *Mr. Creevey* ) had not intended to divide the House at present upon his motion, but merely to assert his right as a member to bring forward a motion without any previous notice.

*Mr. Creevey*, then, with the leave of the House, withdrew his amendment.

*Mr. Whitbread* gave notice, that he would move for another regulation with respect to the orders of the day. The object of his motion would be, that they should come on in regular succession, and that no business respecting money bills should be gone into after ten o'clock.

*Mr. Wharton* then brought forward resolutions for miscellaneous services, and stated, that if there was any likely to produce a long discussion, he would wish to postpone them. The first sum was, — 9,280*l.* for Dissenting Ministers in England and Ireland, which was agreed to. — 78,700*l.* for the confining and employment of convicts at home. — 1,328*l.* 5*s.* 4*d.* for the poor of the parish of St. Martin. — [A resolution for granting 1017*l.* 11*s.* 9*d.* to make good the deficiency of the grant for prosecutions, was postponed till Friday next.] 4,000*l.* for prosecutions relative to the coin. — 5,000*l.* for fees on passing public accounts. — 175,000*l.* for foreign and other secret service money. — 20,000*l.* for law charges. — 12,000*l.* for expences of the Bow-street Police-office.

*Mr. M. A. Taylor* objected to the magnitude of the sum, as the complainants at the office were always obliged to pay very liberal fees.

*Mr. Wharton* observed that the sum proposed was the regular annual grant to the establishment.

After some further conversation, the vote was agreed to.

21,000*l.* for printing the Lords' Journals. — 3,600*l.* for

incidental printing expenses.—1,680*l.* for salaries to certain officers of both Houses.

On the Speaker taking the Chair, a Committee for considering the duty on Worts and Mashies was appointed for Friday.

The Mutiny Bill was read a first time, and ordered to be a second time to-morrow.—Adjourned.

## HOUSE OF LORDS.

THURSDAY, MARCH 7.

The Committee of Privileges proceeded in the case of the Berkeley Peerage, Mr. Serjeant Best and Sir Samuel Romilly, Counsel for the Claimant, the Attorney-General for the Crown, and the Solicitor-General for the younger son of the late Earl of Berkeley, born after the 16th of May, 1796.

## HOUSE OF COMMONS.

THURSDAY, MARCH 7.

### CAPITAL PUNISHMENTS.

*Sir Samuel Romilly* brought in a bill for amending so much of a Bill as made the crime of stealing cloth in a bleaching-ground in Ireland, felony without benefit of clergy. He also brought in a bill for a similar purpose respecting such offences committed in England. They were severally read a first time, and ordered to be read a second time on this day se'nnight.

### SUITORS IN CHANCERY.

*Mr. Taylor* rose to make his promised motion respecting Suitors in Chancery. He was aware that proceedings had been commenced in another place, for the purpose of remedying the evils which had been so long and so severely felt by Suitors in Equity, and those parties who came before the appellate jurisdiction of the other House of Parliament. It was admitted that gross abuses had prevailed, and in stating this, he would be understood, as in no way imputing blame to the Judges of the respective Courts—they were not to blame; but the grievances arising from the delay of justice,

were not the less sensible on that account to all those whose wrongs remained unremedied. If however, without wishing to interfere with proceedings taken up elsewhere, a clear case should be made out to the House, of the existence and magnitude of those abuses, he thought the House would be called upon to apply a remedy—his object, in the first instance, was to ascertain the existence of those abuses, by the appointing of a Committee to search the Journals of the other House. If the result of that inquiry should be, numberless injuries constantly resulting to individuals from the delay of justice, the House would, he should think, make no delay in applying a remedy; the language of the great Charter was—*Nullo differamus justitiam, nulli negamus*—a principle which, under the existing regulations, it was impossible for Sutors in Equity, in general, to see verified. It was but too well known that nothing was more common than persons commencing suits in Chancery which they have not survived; nor was it less frequent to see persons spending in an equity suit, commenced for the attainment of an object perhaps comparatively trifling, the greater part of a considerable property, before they had obtained an unquestionable right. This had been unfortunately too long the character of suits in Chancery; but how must such delay have been increased by the progressive increase of business. In 1731, when Lord Chancellor Talbot presided in that Court, the bankruptcies amounted to 160; in the year 1809, to 1100, and for this year, notwithstanding all they had heard of the national prosperity, the bankruptcies amounted to 2400. The business of Lord Eldon now, compared with that of Lord Hardwicke at any time, was not to say trebled, but rather four or five times greater. He knew that there could be no man more anxious to do his duty to the public than Lord Eldon, or would labour more to give every man redress; but the thing was impossible; it was not within the power of any one man to do it. What would the House think of the excessive pressure of business, when he told them that there were now waiting to be heard 300 appeals? at the average of thirteen causes a year, twenty years would not dispose of them. He did not fix personal blame any where for this arrears of business, for it would not be fair to do so; but he thought blame must rest somewhere; if abuses productive of such general injustice were not remedied, (*Hear!*) an active House of Commons, or

what King James called a meddling Parliament, would be the most direct and efficient instrument in extirpating such abuses altogether. He wished, therefore, the House to take it up. He wanted no innovation—he had no favourite scheme, all that he had to say now was, that the existence of great abuses was obvious, and that they should lose no time in considering of the best manner to remedy them. He did not want to separate the office of Lord Keeper from that of Prolocutor of the other House; but something ought to be done to decide between that office and two or more Judges, the great and pressing business of the Court of Chancery; so great had been that pressure, joined with the other duties of the Chancellor, that but one great cause had been decided in the course of last Term. The Master of the Rolls, than whom there was none more capable or more assiduous, (*Hear!*) had now 100 causes upon his paper. But there was here one consideration of no small importance, that as there were some causes which might wait, so there were others which could not wait without ruin to the parties. Here Mr. Taylor put cases to the House, where delay would be ruinous, as in that of a widow being legatee, where her late husband was the testator, and the question for the Court was whether the legacy barred her dower, her delicacy might reduce her to absolute want, and yet it might not be possible to decide the question during her life. Another case in which delay might prove equally fatal, was in that of children claiming in right of marriage-settlements; and of their father's will. Here the question of comparative claim, that was, whether the property left by will was not, to use the language of the law, in satisfaction of that arising out of the marriage settlement, might not be decided till the parties immediately concerned had died, or spent a great part of their lives in penury. A third case related to beneficial interests in leases, in which the lease might expire before the interest had been determined. But what he wished to press on the House was, that nothing had as yet been done towards remedying these evils in another place, though eight months had elapsed since notice had been given of proceedings for that purpose. After citing some other cases, the honourable gentleman concluded with moving, "That a Committee be appointed to examine the Journals of the House of Lords; and report the number of Appeals heard, and proceedings had thereon, for the last four years."

*The Chancellor of the Exchequer*, after complimenting the honourable gentleman upon the candour and propriety with which he called the attention of the House to that subject, suggested what he conceived to be the impropriety of interfering with the proceedings in their progress in another place. He thought their first object should be to ascertain how the appellant jurisdiction should be expedited, whatever regulation he adopted, it must be of a legislative nature; and when it was considered, that it was a subject of great intricacy, and, as connected with the appellant jurisdiction of another place, it might be thought perhaps advisable to suffer the remedy to originate there, or at least not to take it out of their hands. With respect to the delay which had been complained of, respecting the proceedings of another place, the eight months could not be reckoned within the parliamentary year, as the greater part of them had passed since the sessions ended.

*Mr. Adam* admitted that almost every person felt the grievance which had arisen from the dilatoriness of the proceedings particularly in the High Court of Appeal, and in the Court of Chancery. To obviate the evils much had been promised, but as yet nothing had been done, except the division which had been effected in the Court of Session in Scotland, where much remained to be still executed. As the grievance was very pressing; as it had continued for a length of time; as no remedy had yet been applied; it was his opinion that the House should not abandon its duty, at the same time that it was anxious to act with every decorum towards the other branch of the Legislature. To accomplish that object, he proposed, as an Amendment, that the debates should be adjourned to that day three weeks—a course of proceeding which would prove to the public that the House had not forgot that it possessed a concurrent jurisdiction, although it awaited the result of those measures of redress which were understood to be in contemplation in the other branch of the Legislature.

*Mr. Simson* went into a variety of details to prove, that the different officers of the Court of Equity had fully discharged their duties, and that the delay was occasioned by the pressure of business which the great increase of commercial wealth had introduced.

*Sir S. Romilly* stated, that being present when such a discussion had occurred, it was natural that he should be anxious to state the reasons for his vote. That vote would

be for the original question, in case the motion for adjournment was not carried. Perhaps, to prevent any misrepresentation of his motives, it was better to state what were not his motives rather than what they were, in supporting the proposition. He had no conception that any imputation was intended either directly or indirectly against the noble and learned Lord. If such an object was intended, from his knowledge of the Court where he presided, it was totally uncalled for. There never was a Chancellor who had more endeared himself to the Bar, by an uniform attention to their suggestions and their feelings, than that noble and learned Lord—there never was a Judge better qualified to discharge the functions of his high office. He would not only say that he (Lord Eldon) never had been surpassed, but he would say he was never equalled in his anxiety to administer justice. If his judicial character was an object of criticism, he might indeed think that his over anxiety to render that justice was his defect [*cries of Hear!*]. With respect to the alleged pressure in the Courts of Equity, he did not believe that the number of causes now were greater than in the time of Lord Hardwicke, except in bankrupt cases, which had last year amounted to 1300 sealed commissions, double the number of the preceding year. The delay was a grievance—it amounted in some cases to a denial of justice, and surely was a fit subject of investigation, in order to ascertain, from the cause of the evil, whether the remedy ought to be permanent or temporary.

After some observations from the Attorney-General, the Chancellor of the Exchequer, Mr. Curwen, Mr. Wilberforce, and Sir John Newport, the House divided, when we understood, being unable from the crowd in the gallery to ascertain the numbers, that the motion of adjournment was negatived, and the previous question carried.

#### COMMERCIAL CREDIT.

The Report of the Committee to inquire into the state of Commercial Credit, was brought up, and ordered to be taken into consideration on Monday next.

Lord Archibald Hamilton postponed, until that day three weeks, his motion for the production of the orders transmitted to India for the regulation of the Press.

## IRELAND.

*Mr. Ponsonby.*—In rising to address the House, pursuant to my previous notice, it affords me the highest satisfaction to see in his place that right honourable member (Mr. W. Pole) whose circular letter, lying by the order of this House on its table, is the cause of the motion with which I shall have the honour to conclude. Whether that motion shall succeed or not, it will at least produce the beneficial effect of giving the right honourable member the opportunity of declaring the motives which actuated the Irish Government to have recourse to the measures recommended in his Circular Letter. That letter is a most important document—it is a mandate to the entire magistracy of Ireland, desiring them, under certain suppositions, to arrest three-fourths of the population of Ireland. What the circumstances were which called for this unexpected measure, and at the particular moment (*hear, hear!*) produced that decision of the Irish Government, which led to the promulgation of this letter, must be information most important to the state of the empire. Those circumstances are yet new to us; there is nothing in the Letter calculated to inform us of the necessity of its circulation. It was notorious that the Catholic Committee had been sitting for months, nay for years, under the very eye of the Irish Government—that it had declared its intention of adding to its numbers twenty-four days before this circular letter was issued. I hold in my hand a newspaper of the 22d of January, which gives a statement of the proceedings of the Catholic Committee, and I am anxious to read that statement, as it is my wish to make no observation, or to put no questions which are not founded on vouchers incapable of contradiction. The debate, of which this paper gives a statement, took place on the 19th of January; and it appears from it, that Mr. Hay, the Catholic Secretary, read a number of letters which he had received from many of the counties in Ireland, in which the names of the managers returned by those counties were inserted. There is a particular remark made on the return of Lord Castleross for the county of Kerry, because such an occurrence went to illustrate the unanimity prevailing amongst the Catholic Body. This proceeding was circulated as publicly in Dublin, as any advertisement published in any of the London Newspapers, twenty-four days before the issue of this Circular Letter. When it was published,

it appeared to entail silence upon those who, whatever were their privations, still fancied they possessed the privilege of complaint.—(*Hear !*) It is usual almost in all countries to allow that right to the unfortunate. (*Hear !*) It is not usual in this country to deny to the subject the privilege of approaching with his petition, either branch of the Legislature. In this document the Catholic Committee is designated as an illegal meeting : That meeting had, in the view of the Irish Government, continued its sitting. Of the statements given in this Dublin Newspaper, either the Lord Lieutenant, or his subordinate Ministers, could not be ignorant. I am therefore most anxious to know, why such Committee was suffered to proceed unquestioned—why, this very measure of adding to their numbers so openly avowed, but which has since, in this House, been made the justification of this Circular Letter, were allowed to go on, from the 1st of January, to the 12th of February following ? The administration did not, perhaps, think itself permanent ; there was at the time a notion of a change : but surely if such fatal consequences as were attributed, were likely to arise from the proceedings of that Committee, no Administration could be actuated by such unmanly and selfish views as from such a consideration to avoid the necessary means of averting the evil, and thereby transmit the mischief as a legacy to their successors. It was not, however, till the 12th of February, immediately after his royal highness the Prince Regent was placed at the head of the Executive Government, under fetters and limitations, that this Letter was issued. What made it incumbent that such a measure should take place the moment the right honourable member touched the Irish shores, this night we have the opportunity of hearing explained. It could not surely proceed from any sinister design to involve the Government of the Prince Regent in the odium and unpopularity which might be calculated to proceed from such a measure (*Hear, hear !*). The House must be desirous to ascertain what the circumstances were which justified the Lord Lieutenant not to have had recourse to it before ; and what was the nature of the proceedings which justified the right honourable member to issue it, immediately on his arrival. This law had never before been put in force in Ireland ; and when it was actually necessary to act upon it, against the alleged proceedings of such a portion of its population, one should have supposed that the Administration would have had recourse to the wisest, most judicious,

and most efficient method of carrying it into operation. The power of carrying Acts of Parliament into effect in this country is in the Crown—in Ireland it is vested in the Lord Lieutenant, with the advice of the Council. If, then, it was found necessary to act upon this law, which had never before been acted upon, I am much surprised that a Proclamation to that effect had not been previously issued by the Lord Lieutenant and Privy Council. (*Hear! hear!*) That would have been a fair, liberal, and parental course. There would in such case be a great authority weighing on the minds of the people. It would have had the sanction of the great law authorities in the state. Indeed, not to have applied to the Privy Council previous to the measure, shewed a want of common prudence, I had almost said common justice. This course not having been pursued, I wish to know whether the Law Officers in Ireland were consulted? whether the Letter now on this table was laid before, and had the sanction of, the Irish Attorney and Solicitor General? Because, even if the necessity for putting this law in force was so urgent, so binding, and imperative, as not to allow the delay of submitting it to the Privy Council, it at least, without any danger to the public safety, could be laid before these law authorities, with whom the Lord Lieutenant is in the habit of consulting on the execution of the laws. The right honourable member, in the Circular Letter, warns the Sheriffs of Counties, that it had been reported to the Irish Government that delegates were to be elected to an illegal meeting, calling itself the Catholic Committee. Upon what grounds is it that he has designated that body an unlawful assembly?—Is it unlawful in its own nature? If it be so, why has he suffered it to exist so long in the very seat of government?—Thinking it unlawful, did he, however, conceive it more judicious to connive at it?—And if, though unlawful, he did connive at it, it is most important to the state of the empire, and to the tranquillity of Ireland, that we should know the circumstances which induced him all of a sudden to depart from his previous system, and to arrest this assembly in the exercise of its functions.

This Letter of the right honourable Secretary applies to the past, as well as to the future conduct of the Catholics of Ireland. Why was it not thought proper to notice that past conduct before? The Catholic Committee have done no act since the 19th of January, no act before the 12th of February,

and all their proceedings before that time were acts of such public notoriety that it is impossible they could have escaped the notice of the Duke of Richmond, who must be acquainted with the most ordinary transactions of the country. Yet all these acts were allowed, and unnoticed by the Irish Government, till the 12th of February, when the Sheriffs of the different counties were directed to inform the Magistrates within their bounds to arrest all those who should have voted for any delegation to the Catholic Committee. Why were the Catholics not previously warned of this proceeding? Why was the affair allowed to go peaceably on, till it arrived at such maturity, and why is it now all of a sudden looked upon with such a degree of abhorrence? The Magistrates are ordered to arrest all such persons as may have been concerned in voting such delegates, and commit them at once on bail. This is a proceeding rather extraordinary, certainly for a first act, that the first notice which Magistrates should receive, was to advert directly not to the future but to the past; that the Government knew the existence of the Catholic Committee, was aware of the proceedings of the Catholic Committee, and yet never warned them to abstain from assembling. Was this lenity in the Irish Government? Was it moderation? Was it a regard to the peace and security, or a regard to the welfare of so great a portion of the inhabitants of this empire? Why were they not first warned and cautioned before this extraordinary step, and told, You are doing what you are not permitted to do; we warn you therefore to desist; do not persist in a conduct which is prohibited by the laws, and by which you may incur the guilt of their violation? But nothing like this was done. From the 1st of January to the 12th of February no step was taken with any such view. The right honourable gentleman opposite (Chancellor of the Exchequer) stated, on a former occasion, that the only circumstance mentioned in the dispatches of the Irish Government, as the occasion of the measure, was the Letter of the Secretary to the Catholic Committee; and that he had a confidence, when the conduct of that Government should come to be examined, it would be found to be correct. It is therefore with the greatest pleasure that I see the right honourable Secretary in his place this night, that he may justify the confidence reposed in him by his right honourable friend. This Letter contains instructions to arrest the persons therein described, and only to liberate them on bail. Let us look at the powers vested in them by the Act

of the 33d of the King. In a Section of that Act it is enacted, "that if any Délégates of any description assemble in any Meeting, or if any person vote at any such Meeting, or by any means vote, such Representatives or Délégates, on their being convicted, they shall be liable to be punished for a misdemeanour." The Act says, after conviction. But here, in the first instance, before any notice, warning, or report, was made to the Catholics on the subject, the Magistrates were ordered to commit all persons who had offended against the provisions of this Act.— Now, Sir, it is remarkable that the offence in this Section, of assisting at an election, or attending and voting, is, on the conviction of the person, to be punished; but this Act is in itself no breach of the peace, nor does it necessarily lead to any breach of the peace, but is merely an inchoate offence, unless the delegation actually takes place. Here, however, in the first instance, on account of the mere circumstance of voting, the Magistrates are ordered to commit, unless bail is given. I believe the general rule in law has always been, that a Justice of the Peace, unless he is particularly empowered by statute, cannot, in the first instance, hold a party to bail, when no offence against the peace has been committed. For treason, felony, breach of the peace, and for other offences of a similar nature, he has a right to arrest; but he has no such right in cases which are offences by possibility merely, unless empowered by statute. The statute that creates the offence, does not by such creation of the offence give a right to arrest. Why in our law is truth a justification for a libel, but no justification for indictment, because it has a tendency to a breach of the peace; but till the indictment no man can be held to bail. So in many other crimes there are in like manner no powers to commit; in the case of conspiracy, for instance and of that most dangerous crime to human society, the crime of perjury, no bail can be exacted till an indictment takes place. For such crimes have merely a tendency in their operation to a breach of the peace, but are not such a breach in themselves, and consequently a justice of the peace has no power to commit. But whatever may be said as to these, sure I am, that as to the offence of the persons mentioned in the right honourable gentleman's letter, the magistrates can have no power to hold to bail than for the most innocent actions of their lives. Do but hear the instructions which are issued—"You are required to cause to be arrested

and to commit to prison (unless bail shall be given), all persons within your jurisdiction, who shall be guilty of giving, or having given, or of publishing, or having published, or of causing or having caused to be given or published, any written or other notice of the election and appointment, in any manner, of such representative, delegate, or manager as aforesaid; or of *attending, voting, or acting*, or of having *attended, voted, or acted* in any manner, in the choice or appointment of such representative, delegate or manager." Yet *attendance*, according to the Act, does not constitute an offence against the Act, but merely the circumstance of voting. Read the words of the Act; if any person shall *attend* and *vote*, or by any other means shall vote, &c. But by these directions the Magistrates are ordered to cause all persons who may have attended at any meeting to be arrested; (*Hear!*) Though these persons may have attended for the most innocent purposes; though they may have attended for the most meritorious purposes; though they may have attended for the very purpose of dissuading such delegation. And yet, we see all these innocent or meritorious persons are liable to be arrested and sent to prison, unless held to bail, which in an instance when an individual is struggling against the whole power of Government, must be frequently impossible. Surely the law is in all conscience strict enough. It was not necessary for the right hon. gentleman to make another provision to its severity. He will, therefore, excuse me, if I ask him whether the measure of the Irish Government was previously submitted to the Crown lawyers in Ireland? (*Hear! hear!*) —The other facts connected with this measure are fully as extraordinary. On the 12th of February the right honourable gentleman denounces this assembly as an unlawful assembly, and threatens to proceed against all persons guilty of so assembling; and he sends two officers of the police to disperse the assembly, which he had thus denounced as unlawful. Here are these officers sent to a room in Dublin where the Catholic Committee was sitting. They asked the gentlemen present if they were the Catholic Committee? According to a story given in a periodical paper, in the interest of Government, they answered—Yes; —but, according to another account, written by the Catholic gentlemen, contradictory of the former statement, they said—No. Then said the Magistrates, we are very glad; we have not the smallest inclination to disturb you; we are quite

satisfied. And so they walked off without taking any one measure against this Catholic Committee,—Certainly, however threatening and exasperating was the nature of the right honourable gentleman's letter, his messengers were messengers of peace and calmness. These messengers were not imbued by these terrible apprehensions of the Committee; otherwise they never would have suffered them to escape their vigilance by merely saying to them, we are not that Catholic Committee which you are sent to disperse. There was another very extraordinary circumstance which I should be glad to hear the right honourable gentleman explain. The noble Lord who presided at the meeting, said to the Magistrates, that he was sorry the the right honourable Secretary had not applied to him, as he could easily have explained the purpose of their meeting, and he was very sorry, that without asking any explanation, they should have been so sent. The Magistrates said that they would inform the Secretary, and that they had no doubt but he would be very glad to receive such explanation. Then after, it seems, the Secretary expressed himself extremely happy to see them; when lo, these gentlemen tell the Magistrates that they have nothing to tell the Secretary; but if he has business with them they are willing to attend upon him. What is most-curious is this, that both parties should have seemed so desirous of meeting, and yet could never effect a meeting, and that the right honourable gentleman should have been obliged to cross the channel without being able to accomplish it. (*Hear!*) But there are still other circumstances in this case not less full of wonder. This Catholic Committee, which was denounced on the 12th of February as unlawful, continued to sit, not only before the 12th of February, but since the 12th of February (*hear!*); and in all the newspapers may be read addresses in the name of the Catholic Committee, published in the very teeth of the Magistrates. Is not all this very wonderful, that a Government so famous for dispatch, that the right honourable gentleman, so famous, for his vigour, should still allow that unlawful assembly to do these things? The right honourable gentleman (the Chancellor of the Exchequer) told us, that he could not account for all these things; the right honourable Secretary could. Has Government at last found out its fault? Has it found out that this unlawful assembly was not unlawful, not mischievous in its tendency, and harbours no unfavourable designs? though.

they will not condescend to detail what cause has induced the right honourable gentleman to resort to such acts of violence, or at least promptitude, they have been sufficient to induce that right honourable gentleman to leave Ireland. I do not mean by saying this to attribute any ill intentions to the Government of Ireland. I attribute no intentions to that Government good or bad, because, I own, I cannot comprehend them.—(Hear!)—I cannot comprehend how a Government can put forth a proclamation against an unlawful assembly, threatening to have all its members arrested, and afterwards suffer that assembly to sit, and publish their proceedings in the same manner as before. I certainly cannot comprehend these things, and therefore I attribute no intention, because that intention is incomprehensible; and all that I can say is, that I am extremely impatient to finish my motion, that I may be enabled to hear from the right honourable gentleman a solution of this enigma. The proceeding which the Irish Government has taken, is one of the very greatest moment. Ireland, from various causes, unnecessary for me now to notice, is unfortunately sufficiently irritable already: and it was by no means necessary for the strong hand of Government to increase that irritation. One would suppose that the Government was not willing to increase that irritation; but yet, if we are allowed to judge from the violent Resolutions published in the different newspapers in Dublin, this measure of the Government has caused the sorest feelings in the body of Catholics of Ireland. The right honourable gentleman must admit this irritation; and as it is not necessary, it is not therefore my wish to enter into any details before the House. It must be admitted that this precipitate proceeding had given great offence. Is the right honourable gentleman, therefore, not called on to justify that proceeding? And why he attributed these ill purposes and motives to the Catholics? And is he not called on to state what are the reasons which may have so suddenly stopt the accomplishment of these evil purposes? I confess I cannot see how the right honourable gentleman can get out of this difficulty. Why, when the Government had forbore so long, did they at last interfere?—why, when orders were issued, were these orders never enforced?—and why are the Catholic assemblies still allowed to continue? I wish to know if the Chancellor, the Judges, and the law officers who are Members of the Council, and whose authority is deservedly high in the country, were consulted? I

wish to know what accounts were transmitted to this country by the Lord-Lieutenant, whose duty it is to know all these things, touching the dangers existing in Ireland. These are things of the utmost moment to Ireland, and of the utmost moment to the whole empire; and I will not allow the right honourable gentleman to let these subjects go without investigation. I take the liberty, therefore, of moving, that "An Address be presented to his royal highness the Prince Regent to lay before the House a copy of any Proclamation or Proclamations issued by the Lord Lieutenant of Ireland passed in 1811, concerning the putting in force the Act of the 33d year of his Majesty; as also copies of consultations with the Attorney and Solicitor General of Ireland on that subject; and copies of all letters, and other information sent by the Government of Ireland to the Government of this country, relative to the Catholic delegates, &c."

*Mr. Wellesley Pole* was ready to admit, in the fullest extent, the justice of the appeal of the right hon. gentleman, and also his perfect right to demand from him an explanation of the measures to which his speech alluded. He lamented much that some prudential considerations had not restrained the zeal of some members of that House, and induced them to refrain altogether from these topics until there was some person here qualified to afford them the information for which they were so eager. Had this been the case, many mischievous effects which had originated in their premature interference might have been avoided. Now, however, he should endeavour to reply to the appeal which had been made to him, and had little doubt that he should be able to convince the House of the futility of all the charges of which he had been the object. The right hon. gentleman's charges he should divide into two parts. The first was, that the Irish Government had not executed the law in time, and that if the Catholic Committee was really an illegal assembly, their deliberations should have been earlier terminated. He should abstain altogether from the question, whether that Committee was in its origin legally constituted; but should state to the House, why, from May 1809, no step had been taken to preclude what then appeared to be their sole object—a full and free access to the throne. In the late debates which had taken place in that House on this subject, he had read with great pleasure the opinion expressed by a right hon. gentleman opposite (*Mr. Grattan*), whose opinion ought always to have great weight, because

it was the opinion of a man who had proved such an ornament to the country of his birth, and whose brilliant talents had so often both adorned and been admired in that House. The opinion which he had expressed was, "That the Irish Government, and indeed every Government whatsoever, ought to administer the law in tenderness, and watch over the interests of the people with parental solicitude." However they might differ upon other subjects, they coincided most perfectly in this; and he had little hesitation in saying that, conformably to that opinion, the Irish Government had uniformly acted. When his Grace the Duke of Richmond first went over, he fairly told the Catholics, with a candour and a manliness worthy the characteristic of his character, "You must expect no increase of privileges from me; but you may expect that the law shall be equally and justly administered—you may expect that every office which the Constitution has left open to you shall be distributed to the meritorious amongst you, and that no association shall be encouraged, or spirit countenanced, calculated in the slightest degree to insult your feelings." Such was the spirit in which the Duke of Richmond addressed them; and he believed no rightly informed man would deny, that by every possible mode of conciliation he had kept his promise. But he was asked, why he did not put a stop to the Catholic Committee in 1809? He would tell them; and here he did not mean to recur to the debates of that body, because he did not wish to excite those feelings which an allusion to the principles they had latterly inculcated were likely to call forth. In 1809, the Committee entered into a Resolution, which shewed they were aware that their meeting might be considered as a violation of the Convention Act. He was glad to see that the right honourable gentleman opposite had not declared that Act to be, in his opinion, obsolete, as some of the gentlemen beside him, who took a large share in the debate on this subject formerly, but were pretty silent now, had done. The Catholic Committee of 1809 expressed themselves like warm, honest, and constitutional Catholics; but ended by declaring their liability to the Convention Law, and their determination not to transgress it by attempting any thing like a delegation. They finished their deliberations, which were solely confined to their petition, and had framed that petition within the first fortnight after the meeting of Parliament. This Committee was composed of thirty-six delegates, from

the thirty-six parishes of Dublin, and with them he understood some of the hon. gentlemen opposite, when in power, had communication:—if he rightly was informed, they had warned them not to delegate, lest they should violate the Convention Act. (*Hear! hear!*) That Committee in 1809 was also composed of the remnants of the Committee in 1807, and of those Members who survived of the ancient Committee in 1793. That Committee was an honest, ardent meeting; deliberating sometimes violently, it was true, but always constitutionally, and constantly confining themselves to their petition. They met in July, adjourned to October, met again in November, agreed on their petition, and so dissolved. Certainly it was competent to the Duke of Richmond, if he thought it fitting so to do, to call in the Council, which were constitutionally his advisers, and ask them whether such a meeting was constituted according to law, and might not be dissolved? But, no—he did not choose to have recourse to any measure which might appear harsh; and so gave them every facility for the preparation and forwarding of their petition. The Committee in 1810, he was sorry to say, acted upon very different principles. He should reserve his justification of the letter till he had done with this Committee. They met as the Committee in 1809 had met; but on the 2d of November they called an aggregate meeting of the Catholics. There was then, he understood, a difference of opinion among them, as to whether or not they could deliberate on any other subject than on that of their petition. He should forbear to inflame them by quoting the speeches of Mr. Keogh and others; but would state to them one anecdote, which he thought would sufficiently mark the tone of their discussions. A man, now as notorious in England, as he had been before in Ireland, was then in that country, under pretence of collecting affidavits for a mitigation of punishment in the case of a libel of which he had been convicted. He, of course, attended the meeting, and was called on to make a speech. Some gentleman in the assembly had thought proper to deal out some sarcasms upon the English nation; he had talked of their selfishness, and their inhospitality, and their vulgarisms, and Mr. Finerty stepped out as their advocate. But how did he defend them? Why, “indeed, gentlemen, said he, the English nation are not so bad as you suppose them to be; but they are misled by their Government. Which of you but would shrink from being tried by your own Irish

Government; and it is just the same case with the unhappy English." Then he bid them petition for emancipation, and for reform, and for a repeal of the Union. He was naturally heard with acclamation, and repaid with thanks. Notwithstanding this, the Lord Lieutenant did not interfere. They then came to a Resolution that the Committee should have power to manage, not the Catholic petition, but "the Catholic affairs." Still there was no state danger to be apprehended, and the Duke of Richmond overlooked it. On the 24th of November they met again, and proposed thanks to Lord Donoughmore. Lord Fingal, however, who was in the chair, asked them if they were not going too far? Though he said he approved of the motion, still he thought it called for this remark. Mr. O'Connell, however, answered, that they had come to a Resolution to manage all Catholics affairs. Did the House doubt this? He would assure them the debates were given by a reporter who attended just as regularly as the reporters attended that House, (*here some of the Opposition laughed*): he begged pardon, as regularly as the reporters *were said* to attend that House. He hoped, however, that the gentlemen opposite would be able to give him some more substantial answer than that. It was in this manner the meeting proceeded, and on the 1st of December they go farther, and one of the Members called the attention of the Committee to what he described as a horrible grievance committed on a Catholic soldier; and proposed a subscription to be raised for the purpose of prosecuting all those who were concerned in it. He would state how this was. Dr. Troy had written to the Chief Secretary, that on a court-martial held on a Catholic militia soldier for refusing to attend Protestant worship, the soldier had been obliged to commute the punishment awarded by entering into a regiment for foreign service. The Secretary wrote immediately on the subject to the Commander-in-Chief: the circumstances were inquired into, found to be true, and the soldier was immediately liberated, and actually discharged from the army. All this took place in the month of August; yet on the 1st of December the subject was again taken up by the Catholic Committee, which met only for the purpose of petitioning. On the 29th of November, a petition, which came from the Subcommittee, was for some time debated, and agreed to, after which they voted thanks to the right hon. gentleman opposite (Mr. Grattan), in the name of all the Catholics;

another instance, in which they exceeded the purposes for which they professed to meet. Still the Duke of Richmond did not interfere, feeling, as he and the rest of the Government did, sincerely anxious not to interfere with the Catholic Committee so long as they did nothing tending to endanger the peace of the country. At this time nothing remained for the Committee to do, but to determine whether five or any other number should carry the petition to Great Britain. What he had stated was the mode of proceeding until the middle of December, when the Catholics appointed a Committee for the purpose of inquiring into all the grievances under which the Catholics laboured. Dr. Troy, the Titular Bishop of Dublin, sent in a statement to the Committee, that something of a very grievous nature had taken place, respecting the Catholics, in the management of the Foundling Hospital. [Here Mr. Pole entered into a description of the nature of the Hospital, in which he stated it was founded on the same principles and for the same purposes as a similar institution in this country; that the number of children brought up in it amounted to about 1,200, and that there were about 5,000 brought up out of it: that all children whatever brought there were received exactly in the same way; that they were placed in a particular spot, with a name attached to them, as well as a number; that the names and numbers were all registered, though they were never called by their names, but by their numbers, so that their names were never known until the children were claimed. In such an institution it was ridiculous to suppose, upon so humane and extensive a plan, children should be brought up in any other than the Protestant faith; but, that whenever any Catholic went there and claimed his child, he had only to mention the name and number, and it was immediately delivered to him.] Dr. Troy said, that this mode of proceeding with respect to the children was adopted for purposes of proselytism; and the aggravated grievance of which he had complained, was, that from not being known by their real names, a brother and sister had intermarried. The Committee of grievances, on the 8th of December, proceeded in the same manner. He must remind the House, that this Committee had, from the 24th of November, met weekly, and adjourned from week to week; at every one of which meetings they had a debate, which was taken down by reporters, and published in all the papers; so that they imitated a House of Com-

mons as closely as possible. This Committee of grievances reported, that the debates, consisting of 300 pages, were intended to be published, and were nearly ready; that they were to be circulated all over England, and a copy was to be sent to the House of Commons. How a Committee appointed only to petition could take upon themselves to do this, he would leave to the House to determine. All he had to do in the present instance, was to state facts as they had occurred. This same Committee of grievances began, about the end of December, to evince a disposition to increase their numbers; and they entered into a Resolution, stating, that it was desirable their Secretary should correspond with Catholic gentlemen in the country, for the purpose of obtaining full information of their sentiments. There was a subsequent Resolution to augment the members, but not one word as to delegation. That was to be fixed by a sub-committee. They never shewed this until the 23d of January. At that time they had a meeting, and he would beg leave to read what was said by one of the members on that occasion. That member, seeing occasion to speak against the aggregate meeting, expressed his dissent, by saying, that there were thirty-six members of the Committee, which were enough; and that if they increased them in the way that was proposed to one hundred and fifty, it would be too many. He begged the House to recollect that he had already shewn they met from week to week, and one violent proposition engendered another, until the most respectable of the Catholics took the alarm, and discontinued their attendance at the meeting. On the 2d of February, and at an adjourned meeting, a Resolution was passed, that the petition of the Catholics be transmitted to England. Another Resolution was also passed, that a proposed delegation of ten from each county to the Committee, exceeded its powers; but this Resolution was afterwards rescinded. On the same 2d of February, Lord French says, "Your petition is at an end; you have exceeded your powers; do you mean to erect yourselves into a perpetual parliament?" On the 9th of February there was another meeting, at which the most violent and unjustifiable language was held. At this meeting Lord Fingal, one of the most patriotic and ardent Catholics in Ireland, was attacked. A gentleman present rose for the purpose of justifying Lord Fingal, in a speech, in which he used such language as would scarcely be credited. [Here the right honourable

member read some passages from this mock defence, which was most sarcastic and ironical, stating that his lordship had no other motive in joining the enemies of the Catholics than to be of service to the latter.] Honourable gentlemen might smile, and think it an excellent joke; but he could assure them, that it was thought no joke by the respectable Catholics of Dublin. Up to this time the Lord Lieutenant, though always looking to their proceedings with an anxious eye, had forborne to take any notice of them; but at last their proceedings became so alarming, that it was the general opinion it was high time for Government to interfere. He had now gone through the proceedings of the Committee of 1810. The Duke of Richmond had been accused in one place of acting with too much lenity, in another, with too much severity, towards the Catholics; and amidst such a variety of contradictory opinions, he would leave it to the House to say, whether, in the course of the whole proceeding with regard to the Catholics, the Government of Ireland had acted in such a manner as to prevent them from exercising their right to petition either the King, the Regent, or the Parliament.—It became, however, at length necessary for the Lord Lieutenant to look more closely to their proceedings. He (Mr. Pole) advised him to do so; the Lord Chancellor and the Attorney-General had done the same, though they always were of opinion, that it would be prudent to defer any decisive measure as long as possible. He now came to answer that part of the right honourable gentleman's question, how the Irish Government came to defer taking notice of these proceedings for so long a time? He could assure the House, that the sole reason was, that they were the proceedings of the Catholics; and that, if they had been a Committee of Protestants, Dissenters, Orange-men, or any other description of persons, he would not have thought himself justified in suffering them to proceed so far; and that he had acted only in the way he had done from a conviction that it was the best mode he could adopt. He now came to the second part of the right honourable gentleman's argument. The House would recollect, that the proceedings to which he had alluded came up to the 9th of February. Neither he nor any other member of the Irish Government ever saw Hay's letter till the 10th. (*Hear, hear! from the Opposition benches.*) The honourable gen-

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tleman, perhaps, might have been favoured with a copy before, because it was not improbable he was acquainted with the author. (*Hear, hear! from the same side.*) He understood that "hear, hear!" and supposed it signified that Government had not good information, or ought to have had it sooner; but so it was, and he would leave the House to judge of it from a fair statement of the whole transaction. Government, on the 10th, got possession of a copy of the letter. They at the same time received secret information that it had been circulated in every part of Ireland; that many members had been chosen in consequence in different places, and that several would certainly meet on the 16th or 23d at farthest; that the letter had been drawn up by such persons of the Committee as were lawyers, in order to keep it as far as possible out of the scope and meaning of the Convention Act; that on the 23d they would have their meeting, and would be able to transmit the resolutions they should come to to every part of the country.—The Government had also information, that there were various modes of election, so arranged as to insure secrecy; and several names were transmitted from Dublin to different places in the country, to be chosen for those places, in order, as they said, that there might always be a majority residing in Dublin to carry on the purposes of the Committee. The right honourable gentleman (Mr. Ponsonby) had asked him, whether, in writing the letter issued in his name, he had consulted the Attorney-General and other Law Officers of the Irish Government? That right honourable gentleman some time ago held an office of the greatest importance in that country. The right honourable gentleman near him (Mr. Elliott) held the office of Chief Secretary at the same time. He would ask the latter, how he, in such a case, would have advised the Lord Lieutenant to proceed? He (Mr. Pole) conceived he might answer for him, that he would have advised him to send for Lord Chancellor Ponsonby, who would have advised that the Attorney and Solicitor General (Messrs. Bushe and Plunkett) should be called in, and that measures should be adopted upon their united opinions. He (Mr. Pole) could not take the opinion of Lord Chancellor Ponsonby, because he was in England; but he had taken the opinion of Lord Chancellor Manners. He could not take the opinions of Messrs. Bushe and Plunkett, for they were both out of

town; but he had taken the opinions of Mr. Saurin and Mr. Bushe; and it was on the united opinions of those three eminent characters, that the letter issued in his name had been framed; and he was proud to declare, that the last words of Lord Manners to him were, "that he would never forgive him (Mr. Pole), if he did not put his name forward, and let him stand the foremost as having given this advice." The Duke of Richmond had, by his advice, taken the opinions of all these great men before he adopted the measures which had drawn so much censure from the right honourable gentleman. (*Hear, hear!*) They had not thought it necessary to apply to the Chief Justice, from a motive of delicacy, lest in case any thing should happen, which might render it necessary to bring persons before him for trial, he might, by being called to the council, be put in possession of evidence, which might afterwards operate in the way of prepossession against those who were to take their trials. After these great and learned men had maturely considered the subject, it was thought necessary by the Lord Chancellor and the Attorney-General, that the latter should draw up the letter, which was issued in his (Mr. Pole's) name, and frame it in such a manner as to bring clearly before the eyes of the Catholic Committee the nature of their proceedings, and the tendency they had to violate all the provisions of the Convention Act. The letter thus drawn up by this high authority was issued; and he was happy to say, that not one person had been taken up and held to bail in consequence of it, except the printer of the Galway paper, who had inserted an advertisement, calling a meeting, directly in the teeth of it. The Lord Lieutenant and Council had, from the beginning to the end, acted in a spirit of the greatest lenity towards the Catholics. They supposed this letter would have the desired effect; and it was positively determined at the time it was issued not to act farther upon it. It had been said, that it was very extraordinary the Irish Government should then call the Catholic Committee illegal. This point had not escaped the acute sagacity of Lord Chancellor Manners and Mr. Saurin; but they were well convinced, that although the Catholic Committee, merely as a Catholic Committee, was not illegal, yet from their having constituted themselves into a Committee of Grievances, in which the most violent language had been held; and from the secret information he had received, they were determined to call

it so. As to the charge of his presuming to take such a step upon his own responsibility, he was surprised it should be imputed to him, for he was no lawyer; and he assured the House, that whatever degree of arrogance might be imputed to him, he never entertained an idea of taking upon himself an act of such magnitude and importance.—The honourable member then proceeded to observe, that the Irish Government could not wait for instructions from this country, because this self-constituted Parliament would have had one meeting, which might have had a very disagreeable and dangerous effect. He must contend, that the proceedings adopted by the Irish Government had produced beneficial effects; the country had remained perfectly tranquil; and he trusted that those of the Catholics, who were at all misguided, had returned to a sense of their duty. Having received information that the Committee was to meet in the way that was proposed in their Circular, Government resolved to take measures for dispersing it, and that, if possible, by mild intimations. A great deal of ridicule had been thrown upon the proceedings of Alderman Darley; but he would ask, whether any other proceedings could have been justly taken under all the circumstances? That Magistrate returned to the Government which had sent him, and informed them, that the Meeting had declared themselves only a number of Catholic gentlemen, assembled for the purpose of considering their Petition to Parliament. He put the question to Lord French, who told him, on his honour, they were no Committee, but merely a set of gentlemen met about a Petition. On receiving this information from the Alderman, he had consulted with the Lord Chancellor and the Attorney-General for Ireland, who all said, "Lord French is a man of honour, and a gentleman, and we will take him at his word." The Magistrate was therefore desired to return, and inform the Meeting, that they should not be molested. Certain he was, that had the right honourable gentleman himself been in the same situation with the Lord Chancellor, he would have given precisely the same advice, and acted as they had done. Those who composed the Irish Government were not to be considered as drivellers and blockheads, because they took the word of gentlemen. He felt convinced in his own mind, that the great body of the people of Ireland, though irritated at first by the Circular Letter of Government, would ultimately applaud the measures

which Government had resorted to. The right honourable gentleman then adverted to the Resolutions which were entered into by the last Catholic Meeting which had very lately taken place in Dublin. This Meeting had said before, that they had complete power over all Catholic affairs. This was their claim; and that which excited the jealousy of Government. But on the 1st of March, the very day on which he left Ireland, this Meeting passed a Resolution to this effect: "That the object of the Committee's appointment was to prepare a Petition to Parliament." The purport of their second Resolution was, "That the Committee having no other object in its appointment, they felt strongly that their proceedings did not come under any thing like the Convention Act." The Meeting which passed these Resolutions, was not at all molested, and he was very happy that it was not. The next meeting of the Committee was on the 2d of March; on which occasion also their Resolutions were remarkable. A Major Bryan, who was in the chair, said, that he had meant to propose a Petition to the Regent for removing the Duke of Richmond from the Vice-regal Government; but he now found that such a Petition could be properly proposed only at an aggregate meeting. In this the Major was perfectly right; and he (Mr. Pole) had no manner of objection to such a motion. But he must particularly call the attention of the House to the first Resolution which they then actually adopted. It was, that their Petitions be engrossed, and sent to Lord Donoughmore and Mr. Grattan, for the purpose of being presented to the two Houses of Parliament. Thus ended the labours of that Committee, at which termination he for one certainly felt extremely happy. (*Hear, hear!*) He then begged leave shortly to advert to some allusions that had been made to him on a former occasion. He understood that an honourable gentleman (Mr. Whitbread) had said, that he (Mr. Pole) seemed on all occasions to assume to himself all the powers of the Irish Government. He hoped that no such observation had fallen from the honourable gentleman, and particularly in his absence; and that the honourable gentleman had too much candour to say that he had been guilty of any such criminal act. He wished also to say, though in perfect good humour, that he hoped the honourable gentleman would not crack jokes on his character in his absence. He had also seen a report of its having been stated in another place,

that the Irish Government had acted like incendiaries, and had set fire to the house which they thought they were to leave. This was a pretty serious charge against such men as the Duke of Richmond and the Lord Chancellor of Ireland; but if the House looked at the dates, they would see that nothing could be more unjust; for they would find, that when the order was issued by the Irish Government, they were aware no change would take place. (*Hear! hear!*) He must say, that such charges as these had produced the most painful impressions on the Irish Government, and he was most sorry they had been so lightly hazarded. He begged pardon of the House for having detained them so long. (*Hear! hear!*) But he trusted that the statement he had given would afford satisfaction to the House, and that they would see no necessity for the production of the papers moved for.

*Mr. Whitbread* was desirous of taking in the same good humour in which it had been given, the allusion made to himself. From the advice as to the future, and castigation for the past, with which the right honourable gentleman had accompanied his remarks on what he supposed to have fallen from him (*Mr. Whitbread*), he must ask a question of the right honourable gentleman, namely, if he received his information from newspaper report, or in consequence of a communication from any honourable friend who had been present, and thought that he had used words in the absence of the right honourable gentleman, which he would not have used had he been present? If the former, he (*Mr. Whitbread*) having nothing to do with any newspaper, could not be answerable for what it might state. If the latter, he was not conscious of having said any thing he would not have stated, had the right honourable gentleman been present; and he begged to tell him, that he would not be prevented, in consequence of the absence of the right honourable gentleman, from making such remarks as he might think necessary upon any measure in which he was concerned. There were always a sufficient number of gentlemen present, connected with the right honourable gentleman, who could acquaint him with what was said.

*Mr. W. Pole* said, he had his information from the newspapers. It was so like the manner of the honourable gentleman, however, that he had supposed it correct. He had alluded to it, however, in perfect good-humour, and now believed the honourable gentleman had not said it.

*Mr. Whitbread* could not answer for a newspaper statement.

*Mr. Parnell* should wait till a future opportunity to deliver his opinion on the policy of the Irish Government. He contended that the motives of the Catholics could be fairly judged of only from the Resolutions they had come to, and not from the speeches which the right honourable gentleman had alluded to. Even in those speeches, however, he submitted that there was nothing which could bear out the Irish Government in the conclusions they had drawn from them. The Committee, the appointment of which the right honourable gentleman esteemed to be so strong a proof of improper motives in the original Committee, and which he called a Committee of Grievances, was no more than a Sub-Committee, appointed to arrange the statement of disabilities to be presented to this House. The case of the soldier was one of peculiar hardship, he having been sentenced to be punished for refusing to attend a Protestant place of worship, being himself a Catholic; and it was only to prevent a recurrence of such a circumstance that this was taken up by the Committee. Another thing complained of was, a proposal to address the Regent. What! is it to be held that this should be a sufficient ground to put the Convention Act in execution? These were all the things the Committee had done, and in none of them was there any thing to shew they wished to ferment disturbance in the country. As to the speech of *Mr. Finnerty*, to which the right honourable gentleman had alluded, he (*Mr. Parnell*) had read that speech with great satisfaction, and he would tell them why. The Catholic Committee were impressed with a false feeling, that their complaints would not be listened to by that House or by the Country. *Mr. Finnerty* found that they were actuated by this improper prejudice, and he succeeded in removing it. He convinced them that there was no indisposition on the part of that House or of the country to listen to their complaints—that they ought not to be induced to believe that there was a determined resolution against them—but he assured them, that if they could shew that they had fair ground of complaint, they would succeed in obtaining redress. He, of course, took away from them this unjust feeling of prejudice against this country, and prevented them from despairing of ever succeeding in their applications for a redress of grievances. As far as he (*Mr. Parnell*) could judge of the interests of Ireland, this gentle-

man (Mr. Finnerty) had conferred a great boon on the country, as he shewed them the folly of disunions, prejudices, and jealousies among themselves, at a period when union and confidence were the only means of protecting the country against the attacks of our common enemy.

*Mr. Elliot*, alluding to that part of the statement of *Mr. Pole* which mentioned a threat having been held out by the Duke of Bedford's Government to the Catholics, of putting in force the Convention Act, stated that the Government of that day had no doubt admonished the Catholics to do nothing in contravention of the law; but with respect to any threat as to the Convention Act, not only was that not so, but the thing was never even thought of, or in contemplation. His wish was for information on a subject of such importance, and therefore he must vote for the motion. He was not a person who could countenance an infraction of the law, nor did he know that any such existed.

*Mr. W. Pole* explained.

*Mr. Shaw*, of Dublin, spoke to the following effect:—  
“Upon a question of this kind, so immediately connected with the city of Dublin, I should feel it difficult to content myself with a silent vote. Differing materially as I do with those gentlemen with whom I have hitherto been in the habit of acting, I am the more anxious to be distinctly understood.—Whatever necessity the right honourable gentleman might suppose to have existed for putting a stop to those meetings, sure I am that the prevalent conviction upon this subject in Ireland was, that of all modes to be adopted for the suppression of those meetings, that selected by the right honourable gentleman was of all others the most unfortunate, and least likely to attain the object he had in view. It is evident to every man such a letter should never have been issued; but after the most mature deliberation, and under circumstances of the most pressing necessity. And when we consider that many of the gentlemen who attend and compose those meetings, are gentlemen dignified by birth, by fortune, and highly elevated in society for character and reputation, a communication should have been made to them by Government, in a manner very different, and less likely to widen that breach which so unhappily exists in our country. But what have been the circumstances? After having been hastily resolved, it is as timidly abandoned. Is this a line of conduct likely to raise the character of the Irish Government in the eyes of the Irish people? We find the Magistrates,

after going to act on it, enter into a long altercation, and many messages pass backward and forward from the Castle, which ends in a paper war between the parties—and the only result from it is, that the unfortunate circular letter has gone out into the country as a firebrand, and a rallying point for all the disaffected, and remains a lasting monument of the rashness and imbecility of the Irish Government."

*Sir H. Montgomery* differed entirely from the last speaker.

*Mr. Tighe* asked what were the instances selected by the right honourable gentleman (Pole) in proof of the proceedings resorted to by the Committee being subversive of the Irish Government? They voted thanks to Lord Donoughmore:—Was this the first act subversive of the Irish Government? They next take notice of a poor soldier, degraded and punished because he would not march to a church, where he was to hear a doctrine of which he did not approve.—Was this subversive of the Irish Government? No; but the principles which produced this conduct towards the soldier in question might, and in all probability would, lead to the subversion of the Irish Government. Then they take notice of a letter of Dr. Troy, with respect to the Foundling Hospital. But were there any other overt acts of treason? Yes; they appointed a Committee to state what were the disabilities of which they complained, and this the right honourable gentleman nick-named a Committee of Grievances; and their numbers being reduced to thirty-six, they wished to increase the number. Another act, subversive of the Government of Ireland, was an intimation of an Address to the Regent. If all of these acts were known, why was not the pleasure of the Regent taken upon them? Did the Government believe his Royal Highness would not sanction them? Or was it meant to throw a stigma upon his Government, or rather upon his character? If the latter, never was a more unsuccessful attempt; for never did his name stand so high, in love, favour, and affection, in Ireland, as it did since the steps which had followed the issuing of the letter in question, by which the right honourable gentleman would have shewn his tender mercy, by imprisoning one half of the population of Ireland. The conduct of the Catholics, however, had united all the Protestants in one, teaching them to regard

the acceding to the Catholic claims as the only security for the safety of the country.

*Sir Thomas Turton* stated, that in his opinion Catholic emancipation would not produce all those beneficial effects which were anticipated; and that a solid improvement of the interests of Ireland must be sought for in a series of wise and conciliatory measures. Although not satisfied entirely with the letter of the Irish Government, yet he thought the explanation which had been given, rendered further information unnecessary.

*Mr. Ponsonby*.—"In rising to claim the indulgence of the House in making my reply, I cannot help taking notice, in the first place, of the observations of the honourable Baronet who has just sat down. I am sure that he has only stated his real sentiments on the subject, and that those sentiments are always entitled to consideration and respect. But when he states that in his opinion the measure of Catholic emancipation would not yield satisfaction to the people of Ireland, it ought not to be forgotten that this was the mere opinion of an individual in opposition to the plain declarations, the known sentiments, and the expressed wishes, of the sufferers themselves. Surely the honourable gentleman will not be disposed to assume that he is better informed of the feelings and temper of the Irish Catholics than the Catholics themselves, who have so long and so vainly supplicated for this boon of emancipation. He can scarcely affect to know what will conciliate the complainants better than themselves. The honourable gentleman remarked likewise that emancipation would be useless, unless accompanied by other measures. Upon what principle of justice, I will ask him, or by what rule of reasoning, can he determine to refuse the Catholics one concession, only because he cannot at the same time yield them others? Why would he, because he cannot bestow on them what they do not ask, withhold that for which they have so frequently petitioned? The honourable member delivered a panegyric upon the indulgence and lenity which had uniformly characterised the Duke of Richmond's Government. Sir, I shall be the last man, in any place, or on any occasion, whatever may be my political enmities, to impute to any man misconduct, where there is not evidence of his culpability. In the panegyric, therefore, on his grace the Lord Lieutenant I am

fully inclined to concur, as far as it may be understood to imply that good-humour and benevolent intention by which I believe him to have been actuated (*Hear! hear!*). But this is not the question now before the House, and has no connection with the distinct consideration of the merits or demerits of a proceeding so contrary to the general character of the Irish Government, and so opposite to the qualities that formed the ground of the panegyrics which we have heard.—(*Hear! hear! hear!*) The right honourable gentleman (Mr. Pole) has accused the Catholic Committee of departing from their former views, and of adopting principles different from those which they originally assembled to promote. But he has been utterly unable to name the period at which this alteration commenced, or the time their new purposes have been entertained. All is conjecture, vague and unsupported statement. In proof however of his assertion, the right honourable gentleman has told us that some violent speeches were made at the meetings of the Committee. Are we then, because some individual, perhaps more warmly than is prudent, inveighs against the authors of a particular grievance, to condemn to silence all those who may assemble to take it into quiet consideration?—(*Hear! hear!*) Is the indiscretion of one man to involve in its consequences the interests of thousands? What should we think of his candour who, because he had heard a talkative, impertinent person engross to himself the privilege of speaking, should set down all the rest of the company to be fools? Among the speeches alluded to by the right honourable gentleman, is that of Mr. Finnerty, who is now I believe confined in Lincoln gaol for a libel on Lord Castlereagh. I certainly cannot claim any acquaintance with Mr. Finnerty; and it strikes me very forcibly that the introduction of that gentleman's name on this occasion, was an expedient of the right honourable gentleman, intended to serve a special purpose.—(*Hear! hear! hear!*) Now, Sir, as to the speech itself of Mr. Finnerty, I cannot, I confess, see any thing in it which is not equally creditable to himself and to the Committee to whom it was addressed. For what is its drift and argument? He, an Irishman, lately arrived from England, finds the Irish Catholics in a state of discontent and irritation, ascribing their grievances to English connection; and he tells them that they are deceived; that the English people

are not deaf to their complaints ; that they are not insensible of their sufferings and their wrongs : but that these ought to be attributed to the Government of England, and to the government alone (*Hear ! hear ! hear !*). He exhorts them not to despair, not to desert their appeal to Parliament, and urges them to a steady and unremitting perseverance in the course on which they had already entered. These prudent and well-timed suggestions were prudently adopted by the Committee ; and although it is certainly very natural that Ministers should think them very reprehensible, it would be strange if this House should consign them to condemnation. (*Hear ! hear ! hear !*) But it seems that other speeches were made, aye, and of still greater violence—speeches of such terrible and alarming import, that the right honourable gentleman is positively afraid of reading an extract to the House, although these same speeches have been already published in every newspaper. “ While all this was going on,” says he, “ we forbore still, although we had secret information of it.” Secret information of it ! Incomparable lenity ! Admirable secrecy ! “ We were watching their meetings—we knew in our secret council all their operations—our spies were at work—we received accurate intelligence respecting every speech or motion that was made.” Indeed ! O statesman-like caution ! O wise and provident counsellors ! You did, then, succeed by these mysterious channels, in making yourselves acquainted with what was known to every individual in Dublin, and regularly published in the newspapers of the day ! (*A laugh, and cries of Hear, hear !*)—You became fully apprised, on the 10th of February, of Mr. Hay’s circular letter issued on the first of January, and of the resolutions passed at the Catholic meeting on the 19th of the same month.—[Here Mr. Ponsonby read a report of the proceedings of the Committee on the 19th.] Then observe the great utility of this secret information. The letter of the right honourable gentleman is prepared with the advice of the Lord Chancellor and the Attorney-General. Why then not let the people know that these great law authorities had sanctioned it ? why keep them in the dark as to the source from which a measure of such severity had emanated ? With all the respect which I feel for Lord Manners, if he was the author of that letter, I will condemn it, and pronounce it to be unwarranted by law—(*Hear ! hear !*) Omitting my first objection to it, I contend, that the part referring to at-

tendance at Catholic meetings, to be directly contrary to the law. The right honourable gentleman says, "Who ever heard of a proclamation, in such a case, to enforce an act of the Legislature?" It would have been well if on this point he had consulted his legal friends too; and he would then have found, that on the execution of any law, the object of which is to prevent popular insurrection, the Government has uniformly given notice by proclamation of their intention. The Committee has been accused this night of a design to constitute itself a permanent assembly. Sir, it is most satisfactory to me, and I am sure it must be satisfactory to the country to learn, that in defence of the rigorous edict of the Irish Government, nothing more has been alleged against the Catholic meeting than that they had appointed a Committee of Grievances. I was afraid that, goaded by continued disappointment, and tired of unavailing supplication, they had been instigated to steps fatal to their cause, and deserving of the restraint and chastisement of Government. (*Hear! hear!*) Happy am I to find myself so utterly mistaken. (*Hear! hear!*) The right honourable gentleman tells us that, notwithstanding the retrospective operation of the Convention Act, implied by the letter of his mandate, that operation was not intended by the Irish Government to be enforced. We now are informed of this for the first time; it was therefore, I presume, another part of that notable secrecy for which the right honourable gentleman has taken so much credit to himself. (*Hear! hear!*). But why was it necessary to make these superfluous threats? He now says he is sorry that many persons should have taken this measure in such bad part, or that they should feel any soreness on such an occasion. But if he was really anxious to preserve harmony in the country, why did he not, before he thundered his anathema, send for some of the gentlemen of the Committee, and warn them of the determination of Government?—(*Hear! hear!*)—Was it incumbent on him to contradict himself, and do acts only to reverse them? Was it necessary for him to make a practical bull, in order to make himself a good Irishman?—(*A laugh.*) I should have thought some previous intimation at least, some amicable expostulation, to be a judicious preface to such a letter as that of the right honourable gentleman. An allusion has been made to a supposed transaction when I was Chancellor in Ireland, and it has been said that there are rumours that it was the intention of

the Irish Government at that time to have enforced the provisions of the Convention Act—I must distinctly say, that while I held that office, I saw no manifestation whatever of any disposition which could render such a step necessary. I did indeed admonish the Committee to exercise the utmost discretion. I entreated them not to throw away advantages, or put themselves in the power of their enemies. I told them that no harsh or compulsive measures were contemplated; but that, if called on, Government would do its duty.—(*Hear! hear!*)—I did at the same time dissuade them from preferring their petition, because it could not then have been successful, but would probably ruin the Administration.—(*Hear! hear! hear!*)—I knew that it would furnish a pretext to those who were lying in wait for it, to raise a cry that should have the effect of overturning the Ministry of that day.—(*Hear! hear! hear!*)—Let the right honourable gentleman inquire into the circumstances of this statement, and discover whether it be correct. I thought then, and I think still, that the Catholics, if well advised, and pursuing temperate measures with firmness and perseverance, must ultimately succeed. (*Hear! hear!*) Having, Sir, said thus much, I shall now conclude, by reminding the right honourable gentlemen opposite, that if they are confident in the justice of their case, they cannot refuse further information to the House, since the necessary effect of this will be to establish at once their own triumph and our overthrow.”

The House then divided—

For the Motion, 48—Against it, 133.

## HOUSE OF LORDS.

FRIDAY, MARCH 8.

The Committee of Privileges proceeded further in the case of the Berkeley Peerage. The Countess of Berkeley was examined, and swore that she was legally married to the Earl of Berkeley in 1785.

The Royal assent was declared and notified in the usual form, by a Commission signed by the Prince Regent, to the Malt, &c. duties Bill; the 10,500,000*l.* Exchequer-Bills Bill; the 1,500,000*l.* Exchequer-Bills Bill; the Irish Treasury-Bills Bill; the East Grinstead Church Bill, and two private Bills.

## LORD CLONCURRY'S DIVORCE.

On Lord Cloncurry's Divorce Bill, Mr. Dallas appeared again as Counsel for Lord Cloncurry.

*The Lord Chancellor* observed, that no evidence had been given of the legality of the marriage. He did not mean to suggest a doubt of its validity; but the rule of the House required, in cases of Divorce Bills, that where it was a foreign marriage (in this case at Rome), evidence should be given that it was a legal marriage, either according to the law of the place where it was solemnized; or the law of this country, as the circumstances of the case might happen to be.

*The Earl of Moira* observed, that the doubts now suggested were of considerable importance; and conceiving that this case ought not to be decided with a view to itself alone, but to the probable consequences in other cases of their decision, he thought that further time ought to be given for consideration, and therefore moved to postpone the further consideration of the Bill till the first Friday after the Easter recess.—Ordered.

Adjourned till Monday.

## HOUSE OF COMMONS.

FRIDAY, MARCH 8.

## ARMY ALLOWANCE.

*General Gascoigne*, in the absence of the Secretary at War, wished to know from the right honourable the Chancellor of the Exchequer, whether it was in contemplation to increase the allowance to his Majesty's regular army.

*The Chancellor of the Exchequer* answered, that as far as he understood the honourable General, no such measure was in contemplation.

*General Gascoigne* said, that certain allowances were granted in the Army Estimates of last year to regimental messes, which were never since issued. To be more intelligible, he then gave notice, that it was his intention, on Tuesday the 26th instant, to move for a Committee to inquire into the state of the present Pay of the British Regular Army.

## DISTILLERIES.

The House having resolved into a Committee to take into consideration the Act relating to Distillation,

*The Chancellor of the Exchequer* observed, that he was about to submit a measure, which he trusted would, from its advantages, be hereafter made permanent, although it was, in the present instance, his object only to try it as an experiment. The principle of the measure was, to equalize the duties on Spirit distilled from Sugar and from Grain; not to give one a preference over the other, but to leave both to a fair, open competition. As the case at present stood, the duties on sugar spirit, when grain distillation was not suspended, were of such an amount as to be actually a prohibition. The operation of the measure would tend to make the duty on a given quantity of grain wash equal to the duty on the same quantity of wash produced by sugar. It would follow from this enactment, that when distillation from sugar only took place, there would be no increase of revenue, while from that of grain there would be an increase over the produce of last year (which amounted to 2,061,000*l.*) of 380,000*l.* without any increase of price in the article consumed. This increase would of itself be an inducement; because every person would admit, that, from many considerations, the increase of revenue upon the consumption of spirits was desirable, so far as it could be carried without an injury to the public resources. He was apprehensive that his plan was not fully intelligible; but, in Committee, when it was considered in detail, he trusted the measure would be found to answer the objects of the agriculturist, without being ruinous to the colonial proprietor.

*Mr. Curwen* contended, that the measure proposed could produce no other effect than to destroy the barley growers on those light soils, at present laid out in the production of that article. It would also be attended with an expence of one million to this metropolis, supplied with butcher's meat, as it was, from the barley counties, where the cattle were fed on grain. Norfolk alone sent annually 40,000 head of beasts. If this measure was carried into effect, there was, in his opinion, a total end to distillation from grain. There were many difficulties in the carriage of grain, in the apprehension of its heating and other circumstances, which

would always insure a preference to sugar. Surely, then, the right honourable gentleman would pause before he changed the current of that agricultural policy which had now with so much benefit lasted such a length of time. If the distress of the colonial proprietors demanded some alleviation, better at once pay them for their sugara, and throw them into the sea, than destroy the agricultural stability of the Mother Country. Heretofore the native resources of Great Britain were considered the paramount object; the policy of the present measure is to sacrifice them to the interests of the West-India Colonies. The best cultivated part of Great Britain was not cultivated one-fourth part so well as it might be. The agriculture of the country was as yet quite defective, and therefore the Legislature should be cautious of palsyng that agriculture. The high price of grain, he said, was not the interest of the landed gentlemen, because any extraordinary rise was always accompanied by a proportionate rise in the price of labour; and when the price of grain fluctuated, the price of labour, when once raised, was nearly permanent. He should therefore deprecate the system of the right honourable gentleman.

*Mr. Rose* said, that the speech of the honourable gentleman who spoke last, involved a contradiction, because he stated that his right honourable friend wished to give a monopoly to the sugar planter, and at the same time he stated that the price of barley was such as to render his system totally unnecessary.—The medium struck by his right honourable friend was 38s. for the barley, and the price of barley this day was 36s. 6d. The honourable gentleman stated the interests of the manufacturers to be affected by this measure. How, in the name of God, could they be affected by a measure that had a tendency to give them barley-bread at a cheaper rate than otherwise they could have it? Have they such an interest in the distillery? So far from encroaching on the rights of the farmer, it may be stated that their warmest advocates are far below the sum fixed by the Chancellor of the Exchequer; and Arthur Young, who surely will not be accused of being below the mark, states 32s. as a fair medium.

*Mr. Charles Innes* said, that the Chancellor of the Exchequer was allowing the growers of corn 6s. a quarter more than their own advocate, Arthur Young, demanded,

while 70s. a hundred weight is 6s. below what even in 1798 was considered as a fair remuneration. He asked why British colonists should not be admitted to a fair competition with the other classes of British subjects?

*Sir John Sebright* asked, if it was fair to talk of a competition, when all the ports of Europe were now shut against the introduction of the prime necessary of life?

*Mr. Barham* could not agree that agriculture was in any wise sacrificed to the colonial interests by this measure. He deprecated the idea of encouraging a cry by any one class of men in the community on any subject, because that cry was always sure to produce a re-action. Land, he said, had continued to rise in a greater degree than money had continued to fall. Why should British colonists be on a worse footing than French farmers, with regard to this country, in case of a peace? An honourable gentleman has said that nothing but the best barley can be sold to distillers—but the distillers in no case buy any thing but the best barley.

*Sir John Sebright* deprecated all idea of representing to the country that corn-dealers were to be looked upon in the light of monopolizers. Cries of this sort were of the utmost prejudice to the country. Corn-dealers supplied the place of public granaries; they purchased grain while cheap, to sell it while dear. He never heard any cry against the West-India planters among the landed interest.

*Mr. Hibbert* stated that the West-India proprietors never attempted to put themselves in competition with the landed interest? Their object had been to have an advantage which, upon every correct view, would not injure the landed interest, but rather promote it. Consumption favoured production—but how? By operating as a stimulus and cause of that production. Was such a stimulus wanted at present for the production of grain? No; grain was even imported from our enemy, who wished for ships, colonies, and commerce, but in vain. The money sent out for the purchase served to diminish the misery and discontent of the French farmer. Without this, wanting the impulse of ships, colonies, and commerce, their situation would be wretched indeed. But why should we encourage the French farmer rather than the British colonist? for that was the question. Something was, besides, due to the colonist in the present situation of affairs. The capital that

had been employed in commerce rushing to support the landed interest—this ought to be considered in judging of this measure.

*Mr. Adam* expressed his satisfaction that the subject had been treated in so liberal and enlightened a manner, that there had been no idea of severing the landed interest of these kingdoms and that of the West-India colonists, but that all had been considered as completely consistent and united. That certainly was his view of the question; and he trusted that the time would come when all would be so well aware of their real interests, that their strife would be which should most support the other. (*Hear! hear!*) To settle the exact circumstances under which these commodities should be used in the distilleries, was a difficult task—it was not an ordinary question, but one requiring deep and profound investigation. What he contended for, therefore, was this, that they ought to be well informed before they acted. Investigation, not action, was the object now. By the former investigations, it had been found that equal quantities of barley yielded very different quantities of spirit, according to the place of their growth, &c. &c. Upon the whole, if the distillation from each could not go on at the same time, he would rather vote in favour of that from corn, according to the wishes of those who sent him there, to which he would always most anxiously attend as far as was consistent with the general interests of the empire. His wish was, that a Committee should be appointed to examine whether it was not possible that both grain and sugar might be used with advantage to both in the distilleries? This would be the best security that impartial justice would be done between all parties.

*Sir J. Sinclair* thought that the Commissioners of Excise would be the best judges of the question.

*Mr. Marryatt* called the attention of the Committee to the fact, that the capture of Guadaloupe and Martinique had added greatly to the accumulation of colonial produce here, while by the edict of the Russian empire, ninety thousand hogsheads of refined plantation sugar had been kept out of the foreign market. If they lost the distilleries under those circumstances, they would be ruined. Corn had lately been imported to the amount of six millions, and why then not admit sugar into the distilleries? Where could be the want of encouragement for raising corn? After adverting

to the increase of the value of landed property here, to the extent of 30 per cent. and diminution of the value of landed property in the West Indies, to the amount of 50 per cent. (*Hear! hear! from Mr. Fuller.*) He stated it to be his opinion, that instead of agreeing to this resolution, sugar should be employed as exclusively as before.

*Sir John Newport* wished to know whether this affected the Act of Union? This was with him the paramount consideration. If not, he would vote according to the best view he could take of the general merits of the subject.

*Mr. Wm. Smith* thought that both the landed and sugar interests had gone too much into extremes. He wished to have a Committee for investigation up stairs, as proposed by his honourable and learned friend on the bench below (*Mr. Adam*).

*Mr. Perceval* observed that the sort of dissatisfaction expressed by each of the different interests concerned, was no slight proof of the impartiality of the present proposal, and would no doubt recommend it to the favour of the House.

*Mr. Parnell* objected to the resolutions, as not being calculated to produce any permanent or efficient redress of the inconveniencies to be provided for.

*Mr. Perceval* replied, chiefly relying on the improbability of having any concurrent opinion at any one time, as to the mutual value of grain and sugar. He wished the Committee to allow the resolutions to be passed, and when the Bill was brought in, the House would have an opportunity of judging of the measure in detail.

*Mr. Adam* also explained, insisting that in Scotland, ability and skill alone gave the advantage to the agriculturist, and that the price of labour was as high there as in this country.

The House then divided on the first Resolution.

Ayes	-	-	70
Noes	-	-	21

The other Resolutions were agreed to, and the House having resumed, the Report was ordered to be received on Monday.

#### ARMY ESTIMATES.

On the motion for agreeing to the remaining Resolutions of the Committee of Supply on the subject of the Army Estimates,

*Sir T. Turton*, while he was far from objecting to the maintenance of a force adequate to the defence of the country, could not agree to an establishment disproportioned to its physical strength. Our force in all amounted to nearly 900,000 men, being equal to one-sixth of the male population, and to one-fourth of the adults; a proportion which he maintained no country could support. There was one species of force to which he particularly objected, as occasioning a great unnecessary waste, he meant the cavalry, of whom there were about 17,000 now in this country, for no earthly use or purpose that he could perceive.

*Sir J. Pulleney* thought our force no more than sufficient.

*Mr. Giles* objected to supplying the deficiencies in the Army by volunteering from the Militia, which he considered the worst possible mode of providing for the casualties of the Army, the more especially when it was considered that the deficiencies in the Militia, so occasioned, must be supplied by ballot. There were at present 14,000 Supplemental Militia. He had no objection to the right honourable gentleman taking them, but he did not approve of taking 10,000 from the Militia annually.

*Mr. Colborne* and *Col. Wood* spoke in favour of the Resolution.

*Sir P. Murray*, while he supported the Resolution, alluding to the great burthen on the counties, arising from the obligation on them to provide for the wives and families of the Militia soldiers, stated as a fact, that in the county of Perth, in which he was more peculiarly interested, this burden was one-half more than the land-tax. He did not wish to propose any retrenchment on this head; but he submitted that there could be no harm in providing that it should not extend to voluntary enlistments into the Militia.

*Mr. Banks* observed, that after all the numerous experiments which had been made of late years in the principle of raising our military force, he could not but think that this was not a time at which any material reduction would be practicable or safe. He had some objections to the plan now proposed; and they were directed chiefly to the system of ballot which it proposed to bring again into operation, and which, he believed, tended strongly to counteract the recruiting for the regular army. After some further remarks

on the confusion that prevails in military accounts, he expressed his great satisfaction at the clearness and simplicity of the present estimates.

*Mr. Secretary Ryder* explained that the number of days for exercising the local militia was lessened, for the purpose of accommodating the manufacturers.

*General Tarleton* said a few words, but in so low a tone as to be inaudible in the gallery.

*Mr. Long* said, that the utmost pains had been taken, of late years, to bring up the arrear of military accounts; but that the extreme difficulty of procuring regimental returns, &c. had prevented that full facility of producing all the items of expenditure which was desirable.

*Mr. Calcraft* conceived that very large savings might be made in three branches of our military establishment, which were at present not only expensive but imperfect. He alluded to the cavalry, the foreign corps, and veteran battalions. An expence of twenty-two millions on account of the army, were, he feared, much more than the financial state of the country could sustain. The noble Lord's plan of recruiting was the most burthensome that could be adopted, and at the same time the least productive. In 1806-7, under the system of a right honourable friend of his, now no more, 19,000 men were added to our disposable force in one year. By the deviations which had since taken place, this number had gradually diminished, and might now be taken at about 9,000.

*Mr. Whitbread* expressed his regret that so little should have been said of the necessity of economy in this department of the public service, and that a right honourable gentleman who last session pointed out so many sources of retrenchment should have been silent on this occasion. He rose for the purpose of asking for some explanation on the subject of two or three additional items—one of 61,000*l.* for the local militia, another of 10,000*l.* for repairs of the guards, and a third of 1,000*l.* for retired chaplains. He felt surprised too that the three late members of the medical board should have received equal pensions.

*Lord Palmerston* said, the new charge of 61,000*l.* arose out of a deficiency in the sum voted last year, exceeding the sum saved, which was not less than 128,000*l.*; that the second item was for several buildings and new barracks, in and near London, for the use of the guards; and that the third of 1000*l.* was a remuneration granted to the chaplains

of some Irish regiments transferred to this country. With respect to the medical gentlemen alluded to, the Commander in Chief had stated it as his opinion that their service in Walcheren had been well performed. When it was considered too that they were men advanced in years, and who had been for a great part of their lives in the service, he should have deemed it unjust to have dismissed them without remuneration; and as to its equality, it was quite unavoidable.

The Resolutions were then read and agreed to.

Adjourned.

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## HOUSE OF COMMONS.

MONDAY, MARCH 11.

COMMERCIAL CREDIT.

*The Chancellor of the Exchequer* moved the order of the day, for the House's resolving itself into a Committee, to consider the report of the Committee on the state of Commercial Credit.

*The Chancellor of the Exchequer* said, in rising to state the result of the inquiry which the Committee had made, and the extent of the proposal which he meant to submit to the adoption of the House, he would not at all disguise that the measure was forced upon him by circumstances. He was as ready as any other person in that House to protest against the interference of Parliament in the ordinary distresses of commerce. He was on principle entirely adverse to offering Parliamentary aid to the unfortunate speculations of merchants. Such interference, often repeated, and gradually permitted to be looked to as a resource, tended strongly to diminish that caution which was the best safeguard and pledge of wise and well-concerted commercial enterprise. The check of that rational fear of misfortune, was the best that could ever be applied to restrain extravagance in mercantile speculations. Yet, though he approved of this as a general principle, he had not brought himself to allow it as an universal one: and the consideration for the House must be, whether the present circumstances did not form an exception to the general rule. Those who had already allowed that the measure of 1793 was justifiable, could not now say that the interference of Parliament might not be justifiable on peculiar occasions. They might argue

on the different aspect of things now, and in 1793; but they could not stand up as advocates for the universality of the principle. From the facts which had come to the knowledge of the House, and particularly from the Report before them, he felt that there was sufficient ground for considering the present circumstances as fully justifying a departure from the general rule. He would now submit his idea of the measure under three heads. The first, the nature and extent of the distress and calamity under which our merchants laboured; the second, the causes of the calamity: the third, was the consideration whether the measure proposed by the Committee was expedient to be adopted by the House. As to the first head, it was evident that inconveniences existed to an extent that made some relief highly desirable. The distress apparently began with the merchants who sink under their speculations. The merchants were not able to pay the manufacturers, and the manufacturers were of course unable to support their workmen. This peculiarly took place in the great and extensive manufactories of cottons. Of the manufacturers in the trade, some were obliged to discharge one half of their workmen, some two-thirds, and some, who had a smaller capital, were obliged to stop altogether. It often happened that the workmen in even those houses were put on a diminished rate of wages. The nature of the distress was thus obvious. As to the causes of the calamity and distress in the manufacturing districts, they appeared to be the closing of the continental market against our productions, and the great accumulation of British goods which glutted the South-American market. This last pressure spread so widely, and so much beyond the usual extent of the trade, as to occasion a suspension of credit throughout the greater part of the mercantile body. Those calamities chiefly arose from the excessive speculations which followed upon the removal of the Portuguese Court to the Brazils; and the opening of Spanish America to our commerce. Serious losses naturally resulted from the failure of the market there, and also in a greater degree from the unexpected circumstance of the ports of the Continent being closed against the commodities which they were able to bring back. Those were the distresses which came seeking Parliamentary aid. If it were thought that the first source of the losses, namely, the excessive and extravagant spirit of speculation in the American trade, did not deserve

the assistance of the House; would not the House consider how natural such an effort in such a direction was, and how hard it was to restrain the spirit of commercial enterprize pushing itself out into new channels? The unexpected circumstance of finding the ports at home closed against the returns from abroad, was the principal source of the evil; and it was one, against which the foresight of the merchant could have scarcely been prepared. But had they not already suffered severely enough for their incaution? or could the House retain any thing of a vindictive feeling against men who had so fatally paid the forfeit of their own imprudence? The original speculators had already met their fate; they had, as was said by one of the evidences before the Committee, long since fallen into bankruptcy. The only sufferers now to be relieved were men who were brought to the edge of ruin by those giddy speculators. The question now remaining, was to consider the means suggested by the Committee, and their adequacy to meet the pressure of the case. He (the Chancellor of the Exchequer) could have no difficulty in admitting that there were differences between the present circumstances and those of 1793. In that year the markets of the Continent were not completely shut; they were only closed for a time against British commerce. The check was only temporary, and the evil might have been expected soon to pass away. At present, it was impossible to say at what time those markets would be open to our manufacturers. The great market of the South American continent was described to be at present stopped only by a glut of commodities. This difficulty was temporary, and the distress would pass off as we found people to take off our commodities. The object here would therefore be to find out such persons. As to the market of Europe, though it was impossible to say at what time it might be opened, yet it was the nature of all regulations, such as were adopted on the Continent, to be relaxed by time. They always admitted a practical relaxation. The industry of the merchant, and the wants of the consumer, would always meet half-way, and the market must eventually and practically be opened. The Report before the House established a case of distress, and also a case where relief was more difficult than in 1793; but nothing appeared to make the House suppose, that the distress would be felt beyond a limited term; that, for instance, it would not be greatly alleviated within a year. The merchants required relief, and it ought not to

be refused to them, if it appeared that it would not leave them in a worse condition than it found them. If it gave them a chance of being in a better state at the end of a limited time, it ought to be granted. The home consumption, and the consumption of the western world, within a certain period, ought to be considered in their effect of lightening the distress; and if a chance of good resulted from the measure, it ought not to be thrown away. The greatest pressure had occurred in the Cotton Trade. The House would look with wonder at the increase of that trade within a few years. The official value of cotton manufactures in 1808, was 9,846,889*l.*; in 1809, it was 12,835,803*l.*; in 1810, it was 18,616,723*l.*: thus doubling within the last two years; and by the accounts taken up to the last date, increasing at the moment when the check was given. It was at a moment of the greatest extent and progress of the trade, that it was suddenly stopped. Let the House conceive the effect of such a shock at such a moment. The measure now brought forward was for the purpose of allowing the merchant time to turn himself round, and spread that distress over, if he might use the phrase, a larger space, which, fixed upon a single point, would ruin him. He would now mention the measure which he intended proposing to the House. It was similar to the measure which had been proposed in 1793; but as the difficulty to be met now was greater than in 1793, a larger grant would be necessary. The House, in resolving upon such a measure, would, of course, resolve to make it effectual. He would move that a power be given for the issue of Exchequer-bills to the amount of six millions, instead of five, the vote of 1793. In that year, though five millions were voted, only two millions two hundred thousand pounds were actually required. It was probable, that, as in 1793, the whole sum would not be wanted; for then, the very knowledge that it was in the power of Government to issue so large a sum re-established credit, and it was found that the merchants could proceed with fewer calls upon public assistance than was expected. The House would not starve the measure by any stinted liberality, but would proceed to make their relief full, entire, and effectual. He would propose that the repayments should be made by instalments; the first to be paid about the middle of next January; the three other instalments at intervals of three months each, from that time. He would, therefore, now move the House, that a sum of not less than

six millions be advanced to certain Commissioners, to be advanced for the assistance of such merchants as applied for the same, on their giving sufficient security for the repayment of the money so advanced.

*Mr. Ponsonby* rose to make a few observations on the statement of the right honourable gentleman who had just sat down, and to examine a little the nature of the proposition submitted by him to the Committee. The right honourable gentleman had, indeed, admitted that there were some differences between the circumstances of the present day, and the situation of the country in the year 1793. But in his mind there was no similarity whatever between the two periods. In the former period, the Continent of Europe, instead of being unfriendly, was all, with the exception of France, open to our commerce, and even the greater part of the nations of Europe, active in the war against France; which, cut off from all commerce, was unable to prevent the armies of those nations from appearing on her territories. At present, on the contrary, all Europe was united with France against this country. But the right honourable gentleman had said, that those merchants who had imprudently led, by their improvident speculations to South America, to the present distress, had already fallen into bankruptcy, and were not the objects of the relief proposed to be granted by the present measure; that the persons now to be relieved were the victims to the indiscretion of the original speculators, but no partakers in their folly, their extravagance, or their crimes. Now, as to the origin of the ruinous speculations in the trade to South America, he should always contend, that it was to be traced to that House, and to no other source. The spirit of speculation which had brought on all the calamitous consequences now sought to be alleviated, had taken its rise from the exaggerated statements so repeatedly made in that House, of the infinite advantages to the commerce of this country from the opening the ports of South America—statements supported, too, by the falsehoods and deceptions advanced at the time in that House, and by the press, which usually supported the measures of the right honourable gentleman. By these means the merchants had been taught to expect a market to an unlimited extent in South America; and that, whatever might be the amount of their exports, there would be a vent in that country to absorb them all. To that cause, and that only, then, was to be attributed the

evil which had since arisen. The right honourable gentleman had asserted, that the evil was but temporary; and that it was to be naturally expected, if the relief were now granted, that after a certain time the merchants would surmount their difficulties, as they did in the year 1793. But this reasoning he must dispute. If the markets of South America were now overstocked, they must contain a quantity of goods which would require one, two, or three years to consume; and during that period the manufactures must be at a stand, as no new manufactures could be sent out till the stock in hand should be in a considerable degree consumed. Was it, then, to be expected, that in a trade of such extent and so over-done, an issue of six millions would afford an adequate relief? The right honourable gentleman had talked of a trade of twelve and eighteen millions; but in that the right honourable gentleman had been guilty of a misrepresentation, or fallen into a mistake. Trade did not consist of exports only, it implied returns also; and if in the markets of South America there were goods sufficient for two or three years' consumption, was the nation, he would ask, to be called on to enable the merchants who had by their imprudence contributed to that circumstance, to continue their system of over-trading? The right honourable gentleman had stated the glut of the South-American markets to be the cause of the present distress—this he denied: the cause was to be found in the state of the Continental markets. As to the time at which the relief from the existing pressure would be completely successful, the right honourable gentleman had observed, that he could not be precise; but added, that, whenever the enemy had resorted to extraordinary rigour, after a short interval such rigour was usually succeeded by some equivalent relaxation, which presented fresh facilities for carrying on commerce. That had been assuredly the case; but then the rigorous measures of the enemy against commerce had been followed by events which unfortunately were not now to be expected, but which produced that alteration to which the right honourable gentleman had referred. Soon after the last instance of rigour adopted by the French Government, the Austrian war broke out, which drew off the French armies from the coasts of the ocean. Then followed the war in Spain; in consequence of which, the Peninsula, instead of being hostile, threw open all its ports to British commerce. The right honourable gentleman had on a former occasion

asserted, that he had found out a way to force open the ports of the Continent, and render the measures of the enemy ineffectual; and that was by his Orders in Council, which he had prevailed upon that House to sanction. He would ask the right honourable gentleman, whether he had proved them to be efficacious; or whether he now expected, by a perseverance in them, that success which had unquestionably not attended his experiment hitherto? The consequence of the present restricted intercourse with the Continent was to render our colonies, instead of being a support, an actual incumbrance. It had been thought, that the conquest of the French colonies was a cause of the distress. Whilst France had colonies, she received their produce, and with that, British colonial produce; but when France had lost all her colonies, then there remained no longer a pretext for introducing any such produce. The right honourable gentleman had said, that as the measure would not be likely to produce harm, and might do good, the experiment was worth the trial. If the measure were to be adopted, he hoped it would, do good; but he apprehended it would produce evil, because to afford so easy an escape from the difficulties brought on by the imprudence of commercial speculation, might be attended with ruinous consequences, by encouraging the merchants to squander their means in wild and unprofitable speculations. But the right honourable gentleman said, there was no probability that the public would lose by the measure. He had no doubt that the commissioners to be appointed by the right honourable gentleman would do their duty. But it was an important consideration not to be overlooked, whether, when paper was depreciated—when twelve millions of Exchequer Bills were to be funded—when an issue to the same amount was ordered to supply their place—when the policy was admitted of narrowing the circulation of paper, in order to prevent its further depreciation—it would be desirable to make an addition of six millions of Exchequer-bills to the paper currency. It was painful to oppose granting relief to the unfortunate, and therefore he should not take the sense of the Committee upon the question; though in abstaining from doing so he should not be doing his duty, as he thought the measure would do more harm than good. He should, however, having stated his opinion, abstain from further opposition.

*Mr. Huskisson* wished to state to the House the impressions of his mind upon this important subject. In doing this, he trusted the House would do him the justice to believe, that if he expressed any doubts as to the policy of this measure, they could not arise from any indisposition on his part to grant every possible relief to the worthy objects of the measure. If he should state any doubts he entertained as to how far the success of this measure may be likely to be equal to that which attended a similar measure in 1793, or how far the inconveniencies of adopting it at the present moment may be greater than the inconveniencies felt in the former period, he begged the Committee to be persuaded, that he could be influenced by no desire to impede the grant of such relief to the respectable parties claiming the relief, particularly that part of them which was the least implicated in promoting the cause of the existing distress—he meant the manufacturing classes. (*Hear! hear!*) The manufacturers had no share in the improvident speculations of the merchants. They had not promoted the system of over-trading; they had barely executed the orders they had received from the merchants, when the markets of South America were first opened, and consequently could not justly be said to have been in any degree implicated in the cause of the subsequent distresses. But when he hazarded his doubts upon the subject, he must add, that the doubts he felt were as to the efficacy of the measure proposed, by his right honourable friend. If he were certain that it would not be efficacious, his duty would compel him to oppose it. But when he felt any doubts upon the question, whether the benefit might not be greater than the inconvenience to be expected from the measure, and when he was aware of the distresses that called for relief, he could not bring himself to oppose the proposition of his right honourable friend; though, in stating the grounds of his doubts, he should be only performing his duty as a Member of that House. If he could enter into the views taken of the question by the right honourable gentleman who had just sat down (*Mr. Ponsonby*), he should feel little difficulty in making up his mind upon the subject. That right honourable gentleman had said, that the cause of the present distress was to be found in the failure of the markets of Europe, and the ascendancy gained by France, which enabled that power to shut us out from

most parts of the Continent. If he could bring himself to refer the present measure, or the ground for adopting it, to any such cause, he would confess that neither the measure itself nor its cause would create any alarm in his mind. The right honourable gentleman must recollect that the success of the French arms on the Continent was gradual, and that the ports of Europe were successively closed against British commerce, according to the progress of the French conquests on the Continent. If he did not consider the present distress in reference to other causes, particularly to the state of our currency since the year 1793, he should have no doubt as to the expediency and efficacy of the accommodation proposed; but in his opinion there was in this view of the question a marked trait of difference between the distresses of 1793 and of the present period. And here he must beg, without any want of deference for the opinions of those by whom the report was drawn up, to say, that this difference was most marked in this; that the same case was not made out in this instance as in the year 1793. (*Hear! hear! hear!*) The report then under the consideration of the Committee certainly contained the opinions and doctrines of two most respectable individuals, but they were still only the opinions of those gentlemen. The Committee then stated, that the embarrassments were made out by the evidence. They certainly were. But then they stated that it was the opinion of the witnesses examined, that considerable benefit would be derived from the granting of Parliamentary relief in the manner in which it was afforded in 1793, though they admit that "there was some difference as to the extent of benefit which might be expected to be derived from such relief." Now what he regretted was, that the Committee had neglected to state what that difference was. In 1793 the Committee had fully and clearly stated the cause of the distresses felt at that period. The report of the Committee on that occasion acquainted the House, that the great cause of the existing distress was "the sudden discredit brought upon bank paper, and a consequent deficiency in the amount of the circulating medium which could not readily be replaced." This was the cause assigned in that instance, and the remedy pointed out was the natural consequence of that cause—a recommendation to increase the circulating medium. The report of 1793 concluded by stating, "that some remedy should be applied which would provide for the supply of the circulating me-

dium which had been suddenly withdrawn." The state of the country, particularly of the manufacturing districts, at that period, proved clearly the nature of the evil and the expediency of the remedy. An unusual demand for money led to a run upon the different banks, and the failure of any one bank contributed greatly to throw discredit generally upon bank paper; the necessary effect was, either to lessen the circulating paper to the amount of that issued by such banks as could not withstand the run, and consequently failed; or by putting other banks on their guard, to induce them to narrow their issues, in order to avoid a similar fate. The result was, that, though there was no scarcity of markets—though all the ports of Europe were open to British trade, though there was nothing like stagnation of the usual channels of foreign commerce, from the decrease of the circulating medium, there was no means of obtaining discounts—even public securities were extremely low—Exchequer-bills were at 40 per cent. discount, and Navy-bills at ten or twelve shillings. Some of the most respectable houses even could not procure funds upon their paper, to which, under other circumstances, no objection could be made. Was that the state of the country at the present moment? In the former instance, there was an actual deficiency of circulating medium, in consequence of which the very best bills could not be discounted: but at present, all the public securities were at a premium, instead of being at a discount as in 1793; and all this, at a time when the loan of the year, if he was not mistaken, could not be much short of twenty-five millions, including the loan for Ireland. If he was rightly informed, and he had every reason to rely on the accuracy of the very respectable authority from which he had derived his information; there was not any difficulty felt at present in getting bills, with good names, to any amount, discounted. There was plenty of money to be had, and all that was required was good security to obtain it to any extent. If that were the case, and he was perfectly satisfied that it was, the present period did not resemble the period of 1793, but was quite the reverse of it. In the former period, the persons applying for relief had sufficient unexceptionable security to offer, but the bankers had not the means of affording the relief required. At present, on the contrary, the bankers had the means to afford the relief; but the persons wanting relief were unable to furnish adequate security. In the

year 1793, all goods had fallen in price, the depression not being confined to any particular species of goods. Even land had fallen in price, as must be recollected by many gentlemen who heard him. This had proceeded from a rise in the price of money, caused by the deficiency in its amount: but there was no interruption of foreign markets—no stagnation of trade—no effect of over-trading—no glut of the markets to contribute to the production of the distresses;—the cause was simply a mere stagnation of individual confidence. He could show from the evidence taken upon the occasion, that the quantity of paper in circulation had been diminished one half. Was that the case at present? In 1805, the amount of Bank of England notes in circulation, was seventeen millions; in 1808 and 1809, it was twenty and twenty-one millions; and last year it was twenty-three millions. This did not prove any deficiency of paper at present. What was the resemblance, then, between the two periods? The Bank of England at present wants only good bills; and for want of them, as he understood, was investing largely in Government securities. It had been expressly stated by Mr. Thornton, Mr. Chiswell, and several other members of the Committee in 1793, that in the knowledge of each, several most respectable houses could not obtain cash for unexceptionable bills; and the fact he believed was, that no house had stopped upon that occasion, which had not afterwards paid every thing in full. All country banks were precisely in this situation at that time. He could have wished that the Committee had in this instance inquired into the causes of the recent failures, and into the state of the assets and effects of the parties. It was rather extraordinary, he thought, for one of the witnesses to state, that there were some manufacturers who had no capital. (*Hear! hear!*) He would not, on that occasion, anticipate the discussion, whether it would not be most desirable to amend the defect in the circulating medium. An honourable gentleman, who had given notice of a motion upon that subject, would, he hoped, in the present session, give that House an opportunity of entering into that discussion, and of ascertaining how far the present evils arose from the state of the currency. The Bank, he admitted, had in 1793 done every thing within its power to remedy the distress; but at present the want of security controlled its liberal disposition to afford relief. In the present state of the currency, the Bank and all banks became partners in every wild specu-

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lation, to the extent at least of five per cent. without any risk, and enjoyed their share, whether the speculation was profitable or not. Under such circumstances, was it desirable that they should lend their credit to carry on extravagant speculations? The obvious cause of the evil was the too great facility to speculate afforded by the state of the currency. He would ask any honourable member, who looked back to the last two or three years, whether merchants had regulated their speculations by any reference to their means—whether the sober character of a British merchant had not been superseded by the wild and extravagant speculations which had been imprudently entered into within that period—whether individuals without means had not eclipsed the career of the most respectable traders, in their speculations on credit, which produced all the extraordinary fluctuations in the price of all articles of general trade? It had introduced a sort of wholesale gambling into the practice of British commerce. The present state of the evil justified his observations; and without meaning any invidious reflection upon the character of the individual, he might illustrate his opinion by a reference to the case of a late eminent person in the city, (the right honourable gentleman alluded here to the case of the late Mr. G. whose embarrassments proved fatal to him): if that person had received such relief as was to be given by the present measure, the public would have no security that it might not be applied to relieve embarrassments not in the contemplation of those who should grant the relief. Even in the present instance, how could they be certain, that the relief to be granted might not be applied to the purchase of the loan of the year, or to increase the speculations, from the evils resulting from which it was intended to give relief? If they wished for an effectual remedy, they should look to the root of the evil. There was no man, he was persuaded, who would deny the extending of some relief; but then proper care ought to be taken that such relief be not misapplied; care should be taken that it was not confined to those who had no connection with the manufacturers; and that instead of charitable aid being provided, the spirit of speculation should only be stimulated.

*Mr. Rose* said, that the honourable gentleman who had just sat down had merely stated over again the position of the Chancellor of the Exchequer, namely, that the grant of this money afforded a reasonable chance of relief. He did

not by any means state a confidence in the project, but only a reasonable expectation. The difference which the hon. gentleman had stated between the present period and that of 1793, was not new to him ; it had been stated over and over again in the Committee : but still they were of opinion that the existing difficulties were sufficient to authorise the interference of Parliament. As to what had been said about the Bank complaining of want of paper and the state of the Navy-bills, &c. he thought it very encouraging. He could not, however, fully assent to the assertion which the hon. gentleman had made with respect to the solvency of several great houses in 1793, which, according to his statement, only stopped payment. He could rely on his own recollection, as he was then a servant of the public ; and had no hesitation in declaring, that one half of those houses which then stopped were actually bankrupts : he recollected that about Bristol particularly several great houses failed, and were unable in the end to pay more than five shillings in the pound. He had urged the Chairman of the Bullion Committee to bring on the consideration of that report at an earlier period, in order that they might come to the consideration of the present question quite unfettered. When that subject was discussed, he would venture to say, that both the House and the country would be surprised to see that the circulation of paper had been so much circumscribed. The wholesale gambling which had been alluded to did not meet any encouragement either from the Bank or from Government ; its effects, however, had fallen on the heads of those who had recourse to it, and many of them had smarted pretty severely. This relief, however, was intended to be given to meritorious objects ; and he had no doubt that the Committee, in whose hands its distribution would be vested, would dispose of it to the greatest advantage, and for the best possible purposes. They would take care, no doubt, to distribute it, not only to those who could give good security for its ultimate payment, but for payment within the stipulated period. The particular speculation which had been alluded to did not strike his mind as being so wild and so extravagant as it appeared to the honourable gentleman : it was not the first instance of an adoption of such a scheme, though it was the first instance of its failure. Neither could he admit the propriety of attributing all our distresses to the South-American speculations ; the fact was, our merchants got returns from South

America; but when those returns came to Europe, the ports of the Continent were shut against them, and of course they lay upon the hands of the merchant. But it was not merely to assist only the merchant and the manufacturer that the present relief was intended, but also to relieve a class of men, the distress of whom was inconceivable, he meant the operative weavers. He must here contradict an idea which had been taken up, that the mercantile speculations which had taken place were owing to some speeches which had been made in that House. Now, for himself, he would utterly deny that any loose statement which came from him in the moment of debate, could possibly so influence any of our traders. He could not conceive any man would be foolish enough to venture on such a foundation (*a laugh*). All he had said at the time alluded to was, that when the South-American ports were fully open to us, he was sure more than what we then exported thither would be sent. We then sent six millions, and twelve were afterwards sent. He was not responsible for any such speculation, taken upon such grounds, and must deny that any thing which he had said encouraged any delusion. With respect to what had been said about our colonies, the right honourable gentleman opposite ought to recollect, that they employed one third of our seamen and one fourth of our shipping, and added five or six millions to our annual revenue.

*Mr. Huskisson* explained.

*Mr. Henry Thornton* was as reluctant as the right honourable gentleman opposite professed himself to be, at first, to adopt this measure; but when he heard the distresses of Paisley and Glasgow, as they had been detailed in evidence before the Committee, his objections at once gave way. One of the great differences which struck him, as existing between the present period and 1793, was, that in 1793 the paper credit gave way, but now the commercial credit gave way. Three great differences indeed, appeared to him between the periods. Then there was no failure from foreign speculations, now there was: then the banks failed, now the mercantile houses; the third, however, and most important difference was, that in 1793 the Bank of England made all their payments in cash (*Hear! hear!*). If Government, then, by any interference, created an evil, the im-mEDIATE check existed. When things began to get to a high price, and that the excess of paper caused too great a run on the Bank, it could at once check it. Now, however,

the great fear was, lest, by any quackery, a danger should be created for which there would be no remedy. It was to be apprehended lest now, when we attempted or intended only to assist distress, we should be opening a shop to the mercantile world, offering a preference to those who could bring the best securities. As it appeared on a consideration of the subject, that the manufacturer could be relieved only by this loan from Parliament, of course he conceded every former objection.

*Mr. Curwen* knew that many most respectable banking-houses of good capital had actually, from the menacing aspect of the times, called in all their accommodations. It was no longer to be concealed that credit was shaken, public confidence destroyed, and even the best securities become doubtful. No man was now inclined to take any bill, no matter from how respectable an authority. The present measure sprung from the severe necessity of the times, and as such must be adopted, even though in the end the public should be a loser by it. It was true, it was only an experiment which they were about to make; but still, as might be seen by the Report of their Committee, it was an experiment which our extremity had rendered indispensable. It was to be hoped that the labours of Committee would not end here, but that they would investigate and declare the real cases to which our situation was attributable (*Hear, hear!*) In his opinion our present relation with America was one great cause of all our evils. (*Hear!*) He was glad to hear the Chancellor of the Exchequer declare to-night, that he had hesitated about the propriety of this measure when it had been proposed, but that he had changed his opinion. Glad indeed he was to see that he was beginning to deliberate and alter his opinions (*Hear, hear!*) As he had changed this opinion, so he would in time perhaps change others. (*Hear, hear!*) He hoped he would deliberate on and reject his blockading system. He hoped he was not so bigoted as not at least to inquire whether all our evils did not originate in this system. This experiment, which we were now trying, might indeed produce a temporary relief; but unless the radical cause was removed, a temporary remedy was only deferring the complaint till it should gather strength and come on us with redoubled violence. From a discussion such as the present, all party feelings should be banished—they should come to it free from all political asperities, anxious only for their

common cause, the relief and preservation of their country. Such, indeed, was the solemn question on which they would have to deliberate; they would have to consider, whether the evils of war ought not to be ameliorated as much as possible to a free people; or whether the tyrannous and cruel measures of a despot, who crushed his subjects for his own aggrandizement, and looked more to the army than to the people, ought to be met by us with similar oppressions. Our sufferings had now increased to a most alarming degree; the wealthiest felt the shock; the very strength and sustenance of England, its agriculture, was now assailed; and from the alteration which poverty had made in the mode of living, his stock was left unsaleable on the hands of the farmer. The very cattle, after being fatted, might be had for the original price at which they were bought. It was time for us, then, to retrace our steps, folly only could be bigoted to prejudice; and when wise men erred, they could correct their error, and confess it without a blush. He did not mean to impute any blame to the Minister: what he had done, no doubt, was the act of his conviction; but that act had failed, and it would be crime and madness to persist in it. Since our system was impolitic, let us abandon it; and let us, in the name of God, do so before it was too late. As an American, he would have condemned our conduct to that country; and as an honest Englishman, he now declared he thought our Orders in Council unjust, and our imitative reprisal upon France unwise. (*Hear! hear!*)

*Sir R. Peel* observed, that to commercial men the country was greatly indebted for many of its internal improvements, and therefore it became the duty of Parliament to assist them now. He was happy that this measure was likely to obtain the support of the House, not from any personal or private object which he had to serve, but because he had a fellow-feeling with those who had made their fortune in trade like himself, and who were now suffering under temporary embarrassments.

*Mr. A. Baring* said, that it seemed to be universally allowed, that the great cause of the present commercial distresses was the want of a market for the goods of our merchants. It was also quite obvious, that if only one market or inlet was opened upon the Continent, these distresses would be in a great degree relieved. If only one inlet was open, such as the Weser or the Elbe, the embarrassment would be removed. There was another great misfortune, also, that

the trade of neutrals had of late been almost destroyed, either by the measures of the enemy, or of this country, and consequently the commodities of which they were the carriers must remain heaped up in our warehouses. Another consequence arose, and that was, that manufactures were now taking place in America to a very great extent; and the Americans might, in no long time, do without the manufactures of this country. But the House had not at present to consider the radical cause of the evil; that would be more properly considered when the subject of the trade of the country came under discussion; and their present object was to consider the nature of the distress itself, and whether this was the proper mode of relieving it. Of the expediency of the measure he entertained great doubts. The case of the loan in 1793 was not an instance in point, for what the merchants then wanted was credit; then they had the markets of the whole world: but now what they wanted was neither property nor credit, but a market for their goods. What prospect had they of such a market being opened, and of the loan being repaid within the specified time? Another serious objection was, that the country had already a superabundance of paper-money, and this measure was to give the country more of it. It appeared, besides, impossible to discriminate the persons to whom the loan should properly be given, and there was thus a great risk of encouraging mere speculators in trade and manufactures, which would increase the evil, instead of diminishing it. At the present moment he could not help considering the Board of Trade as one of the greatest nuisances in the country. While he was ready to bear testimony to the zeal, patriotism, and impartiality of the noble Lord at the head of it, yet from the frequent alterations which took place in its permission and prohibition of different articles, trade was thrown into great embarrassment, and merchants, instead of acting as they thought best for their own interest, were obliged to dance attendance at the Board of Trade, to learn what whim was uppermost there. The formerly admitted principle of leaving commerce to itself, was now entirely abandoned.

*Mr. Rose* would defy the honourable gentleman to say, that any merchant or manufacturer had ever received encouragement from the Board to engage in any branch of trade whatever. In an experience of 40 years, he had never known any person who had applied more usefully to the trade of the country, than the noble Lord at the head of it.

*Mr. Baring* was ready to do every justice to the zeal and talents of the noble Lord : but what he complained of was their permitting the export of coffee, for instance, one day, and countermanding it the next.

*Mr. W. Smith* was convinced that the inconveniencies of the measure would exceed its advantages. The assertions contained in the Report appeared crude and loose in an extreme degree. The House was told that certain persons had over-traded themselves, and that a loan of money would do them good. Those who had no credit from private individuals were to get it from the public. This was very convenient doctrine ; the pretence for such application would never be wanting, and bye and bye Parliament might be induced to grant aid whenever it was called for. There were three sorts of speculators who were in difficulties at present. One sort were those who had exported goods to too great an amount ; another, those who had imported raw materials for our manufactures in too great quantity. The speculations of these two classes had been so far useful ; but there was a third sort, who had been speculating in articles of internal trade, and seeking to monopolise one whole commodity. Many of them had failed in their speculations, and would, no doubt, apply for a share in this loan : but such men should be suffered to perish unpitied and unrelieved. It appeared to him a good principle in the general way, that when merchants or manufacturers got into difficulties, they should get out of them the best way they could by their own exertions. Would it not be strange, if those who had no private credit, or credit at the Bank, should apply to Parliament for relief ? If the Continental market was not opened, what would be the situation of those who received the loan ? Why, the House would be compelled to continue the relief, and that with a diminished chance of eventual repayment. The step was therefore a dangerous one, and it would be better to leave things as they are, and let individuals do the best for themselves. Besides, every man who had been insolvent within the last few months would have reason to complain, and say, if the measure had been sooner resorted to, his credit had a chance of being saved.

*Sir J. Newport* contended, that if this loan was given, then Parliament should only come in for repayment with the rest of the creditors, and ought not, in justice, to have a preference, by which all the risk of loss would be thrown on the private creditor. He knew, from the best information,

that the returns for goods sent so South America were extremely slow and distant, and therefore there was little probability of repayment of the loan being made within the limited time proposed.

*Mr. Manning* shortly supported the measure, and thought it the duty of the House to make the experiment, whether the embarrassments could not be relieved by being spread over a greater space in respect of time.

*Mr. Whitbread* said, that as he found the House inclined to adopt the proposition submitted to them by the Chancellor of the Exchequer, he certainly would not give it in the present instance his direct opposition. He could not however suffer it to pass, without making a few observations which seemed to him necessary on the present occasion. The right honourable gentleman, and some of those who had supported the measure, had mentioned it as resulting from motives of compassion. Before he could consent to consider it in that point of view, he must first have shewn to him what was the state of commerce with respect to the world in general. The question was not whether we shall agree to the resolution, but whether we conscientiously believe that we can by these means place the manufactories in such a situation as to enable them to go on. He much doubted the foundation of that argument which placed the measure on the footing of a motive of compassion. Not knowing what the opinion of the Committee might be, he could only say, that there never was in his opinion a more loose report than that which was now before the House. *Mr. Garden*, labouring under the impression of his feelings, had attributed the present difficulties to absurd speculations; and yet he says, it was highly probable that new speculations may arise to countervail them—that they may come round in the course of twelve months, and then the capital may come round also. It seemed to him that the calculations of the Committee of Glasgow were inexplicable; from which he inferred, that the construction of the original report must be improper. No man could have a higher opinion than he himself entertained for the knowledge and experience of commercial men; but by this report it was likely to infuse an idea of a larger failure of commerce than there ought to be. Before this matter was brought forward, he thought they should have inquired more minutely into the circumstances of the case. In 1793, all that was wanted or wished for was the money, but now the Com-

mittee ought to inquire into the political question, and sift to the bottom what was the real cause of the present distress. Though he might on the present question give way to what he perceived to be the feeling of the House, yet he should not hold himself bound not to oppose the bill to be brought in on the present resolution, in every stage in which he might think fit to express his disapprobation of the foundation of the measure, which he thought was more likely to be productive of mischief than good.

*The Chancellor of the Exchequer* agreed with the hon. gentleman, that the House should not agree to this Resolution, if it was likely to be productive of more mischief than good. For his own part, he was not sanguine enough to believe, that this might be equally efficacious with the measure of 1793; on the contrary, he considered it to be a measure presenting many and great difficulties; but there was certainly a chance that it might be productive of advantage to the commercial interests, and if there was a chance, he thought that was sufficient to induce Parliament to entertain the proposition. It had been said; that there was no market open; but still, though this was not the case, it was unquestionably worth while to take the chance of a market being shortly opened. It would be recollected, that in the year 1793, the measure was productive of a very great fall in the Stocks, which was not less than from near an hundred to seventy, and that circumstance then operated strongly on the question. There was also a great difference between the present measure and that of 1793, with respect to the security. There was then only a deposit of goods as your security; but with respect to the present, if they cannot find persons ready to be bound in double the amount, they must produce property to double the amount. He had only one more word to say. It was not fair or candid to make any reference, or to go into the matter of the Bullion Committee. He insisted that it was not the Orders of Council that prevented our goods from going to the Continent, but that it was owing to the decrees of the enemy; and when they looked to this cause, they must look to the effect of the enemy's decrees, which said expressly, you shall have no connection with the Continent; and in return, the Orders in Council reply, you shall have no connection with the rest of the world. Finding that these Orders in Council had counteracted all the fancied advantages of his first decrees, he found it necessary to resort to the expedient

of what was called his Burning Decrees; and in carrying those into execution, he had destroyed the property of his own subjects, and not that of ours; for our merchants knew too well what they were about, to suffer their merchandize to be sent out of this country without having first received the value of it. If the hon. gentleman says that this would, and must be the case, it only proves that he has been obliged to resort to the most arbitrary and oppressive measures that were ever attempted to be used by any tyrant to any subjects of whom history had ever yet taken notice. With respect to the hon. gentleman who had spoken from under the gallery (Mr. Curwen), he hoped he would not prejudice the question regarding America, but would restrain his opinion till he saw what was the effect of the measures now in progress between the two countries. At the same time he said this, he did not think, that by agreeing to the present resolution, any gentleman was bound or pledged to withhold his opposition to the measure in any future stage of the business.

*Sir J. Newport* explained.

*Mr. Ponsonby* said, that all which could be fairly inferred as to the Orders in Council was, that one violent measure produced another. He thought the conquest of the French colonies was one of the causes of the present calamitous state of the commercial credit.

*Mr. Rose* insisted, that the colonies we have conquered find a market here.

*Mr. Whitbread* and the *Chancellor of the Exchequer* each said a few words in explanation.

*Mr. Canning* said, he would not trouble the House on the subject of the resolution, farther than to say, that we did not live in those times in which a British Minister might not express his hopes that a measure introduced for the general welfare might be attended with success.

The resolution was then agreed to.

*Lord Folkeston* postponed his motion on informations *ex officio*, which stood for Wednesday, to Thursday next.

#### MUTINY BILL.

On the question for bringing up the Report of the Bill, *Lord Milton* took notice of what he conceived a hardship in the law as it now stood, that a person recruited in any way, should be liable to be considered as a deserter, if he absented himself four days from the recruiting party that

enlisted him, or even if the recruiting party should leave him.

*Lord Palmerston* said, that the last case had been already provided for. If the recruit gave his real name and address to those who recruited him, and they did not afterwards call upon him, he was not liable to be treated as a deserter.

The Report was then brought up.

*Mr. Parnell* rose to propose a clause in favour of the right of Roman Catholic soldiers to attend Divine service in their own place of worship, and not to be compelled to attend the service of the established Church. He did not mean to throw the least blame upon the Irish Government on this score: they had done every thing which depended upon them to redress this grievance. Nevertheless, by the first article of war, the commanding officers had a power to oblige their soldiers to attend Divine service at the established Church; yet, as he was convinced that it was not the wish of the House that Catholics should be forced to attend Protestant worship, he thought it would be of great importance that they should not be left to the will of their officers, but that they should be protected by the law. He was convinced a legislative provision of this sort would help the recruiting service in Ireland considerably. After instancing three cases where Catholics had been punished on this account, he concluded by moving his clause, "provided always, that no soldier professing the Roman Catholic religion shall be punished for not attending Divine service at the established Church."

*Mr. W. Pole* thought this clause unnecessary, as the Irish Government had never wished to force the Catholics to attend Protestant service, and did give immediate relief to the few Catholics who had been aggrieved in this manner. As to the case of Spence (which had been mentioned also on a former day), the sentence of 500 lashes was not for refusing to go to church, but for writing to his commanding officer a letter that was conceived mutinous. As to the second case, it was true that at Enniskillen a very young officer, just come from the West Indies, did punish (by turning their coats) some Catholic soldiers for not going to church. This officer was, however, severely reprimanded for it, and removed from that district. The general orders issued by the Government were most explicit upon that point.

*Sir John Newport* allowed, that the Irish Government had interfered in a very handsome manner on the particular cases brought to their notice. He thought Parliament should now interfere for the general protection of all Catholic soldiers.

*Mr. W. Smith* said, that if Spence had not happened to have a friend to state his case to the Government, he would probably have suffered the whole of the punishment. He thought the Catholic soldier should be protected by law.

*Lord Palmerston* said, that instances which could be produced of the interference complained of were so very few that there was no occasion for any law upon the subject: and that it would be much better to leave it as a matter of regulation, as there could be no doubt of the wishes of the Government or the Commander in Chief upon the subject. In the hospitals, wherever there were Catholic soldiers, Catholic clergymen were admitted.

*Mr. Hutchinson* dwelt on the great importance of the Catholic body to the recruiting our armies. He therefore conceived, that it would tend greatly to increase our armies, if the Catholics had that protection by law which the gentlemen on the other side wished them to have by their regulations.

*Mr. Manners Sutton* said, that at present the only question was, as to the mode; and it appeared to him that no case had been made out to call for an alteration of the law, but that a regulation would be fully adequate to prevent the evil complained of.

*Mr. Elliot* and *Mr. Herbert* supported the clauses.

*Mr. Ponsonby* observed, that neither the practice of the Irish Government, nor their regulations, protected Irish Catholic soldiers in this country. For their protection he thought a change in the law necessary.

*Lord Palmerston* said he was not aware of a single case of this nature happening in England.

*Mr. Parnell* re-stated one of his cases, which was that of a private in the Royal Artillery having been lately imprisoned twelve days, at Woolwich, for refusing to attend the service of the established church.

*The Chancellor of the Exchequer* thought the Catholic soldiers had sufficient protection in the known sentiments of the Irish Government and the general orders they issued. In this country it would be much better that the effect should

be produced by a regulation than by a law. If the Catholic soldier was to be specifically exempted, every class of dissenters in the Army would conceive themselves equally entitled to exemption.

*Mr. Whitbread* suggested, as a better course, to address the Prince Regent to alter the articles of war in this respect. Perhaps General Orders from the Commander in Chief in this country, similar to the orders of the Irish Government, might produce the same effect.

After a few mutual explanations, the House divided.

For the clause	-	-	13
Against it	-	-	46
Majority			33

*Mr. Manners Sutton* then proposed two amendments, of which he had given notice on a former day. The first was to give power to Courts-martial to inflict the punishment of imprisonment in the place of corporal punishment, when they should judge it proper; at present they had no option; but whenever the punishment was not capital, they were bound to name some corporal punishment. The amendment which he now proposed would not take from them the power of inflicting corporal punishments, but would give them a power which they now have not—that of substituting, at their discretion, the punishment of imprisonment for corporal punishment. The other amendment he had to propose, was to strike out certain words of the 120th clause of the articles of war, by which, embezzlement of stores by officers appeared to be punishable only “when serving out of the United Kingdom.” These words he wished to strike out.

*Colonel Wood* thought the idea of allowing Courts-martial to substitute imprisonment for corporal punishment was a most admirable one. He thought, however, that some crimes, drunkenness, for example, might be better punished by mulcting the soldier of part of his pay; or otherwise, when his imprisonment was out, he might go to the ale-house again.

*Mr. Manners Sutton* said, that he did not wish to enter into the minutiae of regulations. His object was merely to give Courts-martial a power which they had not now, that of substituting imprisonment for corporal punishment.

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The Amendments were agreed to, and the Bill was ordered to be read a third time to-day.

The Marine Mutiny Bill passed through a Committee, and the Report was ordered to be brought up this day.

The other orders of the day were then disposed of.  
Adjourned.

## HOUSE OF COMMONS.

TUESDAY, MARCH 12.

### REGENT'S MESSAGE.

*The Chancellor of the Exchequer* brought up a message from the Prince Regent: it was read from the chair, and was in substance as follows:—

“The Prince Regent, in the name and in the behalf of the King, thinks proper to inform the House of Commons, that the maintenance of a body of Portuguese troops in British pay, had been attended with the most important effects in the conduct of the war. The Prince Regent hopes the House of Commons will enable him to continue the same for the present year, according as circumstances and the nature of the contest may require.”

On the motion of the Chancellor of the Exchequer, the Message was referred to the Committee of Supply.

### COMMERCIAL CREDIT.

*The Chancellor of the Exchequer* brought up the Report of the Commercial Credit Committee, resolving, that it was necessary to give assistance to the Merchants, and to issue six millions of Exchequer-bills for that purpose. The Report was received, and leave given to bring in Bills, founded on the Resolutions. A Committee, consisting of the Chancellor of the Exchequer, and the Law Officers of the Crown, were appointed to prepare the Bills.

### DISTILLERIES.

*Mr. Lushington* brought up the Report of the Committee on the Distilleries.

A long and desultory conversation commenced on the subject between Mr. Rose, Sir H. Montgomery, Sir J. Sinclair, Mr. Coke, and Mr. Curwen.

*Mr. Fuller* wondered that there was so much talk about corn, and so little about sugar; but the West-Indians were not to be oppressed more than other men. If they brought their goods into the country, and could get nothing for them, why then, what were they to do? For his part, if he could not sell his sugars, he had nothing left for it but to go down to his barley-farm in Sussex. But were not the West-India merchants men? nay, were they not English merchants? nay, were they not contributors to the glory of England? Did they not make ships and seamen, as well as sugar? What had Buonaparté done? What was Buonaparté's policy? He had let the English buy his brandy and his corn, till they had sent out all their bullion; and now there was not a guinea left in the country, or change for a guinea, if you could find one. (*Hear! and laughing.*) It was no matter who had done all this—he would say nothing: but the poisoned chalice would be brought back to their own lips. There might be many speculations about the West Indies, and some men might think it would be a good plan to cultivate Cuba by importing slaves into it. To be sure, they would be better cultivators than whites. An honourable gentleman on the other side said, the agricultural interest had declined. He could not tell how that might be, but he knew that the land had risen, while the poor West-Indians were tumbled down fifty per cent. Manufactures might be abused, but they were good things for all that. How else, without those artificial means, could a country of fifteen millions fight against a hundred millions? They might say agriculture grew on the surface of the earth (*Hear!*); but he would be bold to say, manufactures grew on the surface of the earth too. (*Hear!*) Let any man go into a shop, any where, suppose in the country, and there he would find a pile of things, rifle-barrelled muskets, for instance, (*hear! hear!*) and every one of them worth at least sixty guineas, while the original cost was not thirty. (*Hear! hear!*) After this, who would dispute that manufactures were good things, and that the country ought not to let them down?

*Mr. Marryatt* contended for the policy of extending relief to the West-India planters. He was afraid, that if even the measure proposed were to be adopted, that House would soon have applications for relief of their distresses on the part of the West-India Planters. It was yesterday proposed to issue six millions of Exchequer-bills, for the

relief of the manufacturers, whose distress was only temporary. The exports were still open to them, but the returns were of no value; and that was particularly the case with respect to the returns from Martinique and Guadaloupe.—He trusted the House would maturely consider the whole of the case, and that every proper allowance would be made for the West-India Planters.

*Mr. Coke* (of Norfolk) explained.

*Sir Thomas Turton*, after a few general observations upon the principle of the proposed measure, and the comparative price of grain, stated it to be his opinion, that relief ought to be granted to the West-India merchants, but not on the scale now intended. He should support the principle, though he should feel himself bound to oppose some of the details.

*Mr. Brand* stated, that this measure had created much alarm in the part of the country with which he was connected. He was not, however, in possession of sufficient information upon the subject to give any settled opinion: but he hoped the House would not adopt a measure of so much importance to the landed and colonial interests, without a previous full and satisfactory inquiry. He should be extremely sorry to see considerations of personal or particular interests introduced into the discussion of so important a question. He was persuaded that the gentlemen in the colonial interest would not wish to have sugar introduced into the distilleries in competition with corn, until the price of it should be such as to enable the farmer to live by growing it, and when the competition could take place without injury to the landed interest. He had only to add a hope, that all due inquiry should precede the adoption of the measure.

*Mr. Hibbert* could assure the House, that the principle which actuated the part of the colonial interest with which he was connected, was, that they would be thankful for any measure that would admit them at low and ruinous prices into competition with corn at a fair living price.—This was all that was proposed by this measure, and he was sure that a competition upon such terms could not be injurious to the landed interest. He could not agree with his honourable friend, that if this measure were to be adopted, it would be followed by an application for relief by the West-India Planters. The produce of the old British co-

lonies was on the decline, and would soon be only sufficient to supply the home consumption. This he considered a calamity, as the public would lose all the advantages it derived from the re-exportation of West-Indian produce. The experiment of this measure ought to be tried. If the price of barley was low, the amount of the duty on malt had not, as he was informed, fallen off; and this was a proof that barley had a fair measure of consumption. He wished, as we had sent out annually so many millions for corn to the Continent, that the experiment should be tried at the expence of the enemy, rather than by withholding so small a boon from the West-India Planters, lest the landed interest should by possibility be affected.

*The Chancellor of the Exchequer* was not at all surprised that the inhabitants of the corn districts should have felt some anxiety respecting this measure, when they found those gentlemen in that House, to whom they looked up as the protectors of their interest, declaring the measure ruinous to the landed interest. He could not suppose those gentlemen desirous of making a false impression in any quarter, and therefore besought them to the considerations in detail, which he and others who agreed with him should submit; and he would undertake to say that their alarms would be removed. It was undoubtedly not more unfounded, than it was likely to make a very unfavourable impression out of that House, to assert, as had been asserted, that all governments in this country neglected the landed interest, and attended exclusively to the interests of the colonies and of commerce. If the members of Government could get credit for the possession only of common feeling, or common sense, such an imputation could not be made against them. So far from that being the case, they must feel, that to encourage each was to promote all, and the price of the produce of land was supported by the wealth diffused throughout the country by manufactures and commerce. He should be the last man to accuse the gentlemen of the landed interest of any desire to keep up unduly the high prices of their produce from interested motives; but he must observe, that in making such charges, they listened rather to their prejudices than to their judgment. Having premised thus much, he should next proceed to state the nature of the measure to which such objections had been made. The object of the measure was, when barley should be 33s. per quarter, to allow the distil-

lers to use sugar or barley at their option. The scale might or might not be sufficient—that was another question; but the principle was to enable the distiller, from an equal amount of duty, to produce the same quality of spirits, whether barley or sugar should be used. He had been agreeably disappointed at the manner in which this measure had been met. When he expected to hear it argued that barley was 40, 41, or 42s. and that the effect of the measure would be to let in the sugar to a competition, the argument was, that barley was only 26s. The lower the price of barley, the stronger the argument in favour of his measure, because the distillery would afford it a market, and without any possibility of competition till the price should be 38s.—The same prophecies, that the measure would be ruinous to the barley growers, had been made when the first prohibitory measure was proposed, and yet, after three years, these prophecies are repeated, accompanied with a statement that the country is now full of barley. The West-India gentlemen all disapproved of the measure as insufficient for their wants, and yet voted for it, as doing something for them; and the landed gentlemen all voted against it, though it was to give them the exclusive market of the distilleries, till barley should reach 38s. The right honourable gentleman then explained, what he had omitted to state on the first opening of this measure—the arrangement which had been made with the distillers, and the expiration of the Prohibition Act.

*Mr. Adam* contended, that the proposition for allowing sugar a competition with barley, formed a new æra of the greatest importance to the landed interest. All he wanted was, to go into an investigation before such a proposition should be sanctioned. He believed the right honourable gentleman had arranged his equivalents according to his notions of the justice of the case; but he should wish to know, whether he had taken into his consideration the comparative expence of distillation from sugar and barley. If he was rightly informed, the expence was less in distilling sugar than corn. He wished these facts to be ascertained before the measure should be agreed to.

After some farther conversation between *Mr. W. Smith*, *Mr. Rosc.* *Mr. Biddulph*, and *Mr. Barham*, the Resolutions were agreed to.

## MUTINY BILL.

On the question that the Bill should be read a third time, *Mr. W. Smith* rose, to express his satisfaction at the amendment which the introduction of imprisonment, instead of corporal punishment had brought about. He thought the situation of the Army was much ameliorated by it.

*Mr. McCleod* differed on the subject from the honourable gentleman who had just sat down. He had been fifteen years on the home service, and did not know what imprisonment meant as expressed in the new clause. He wished to know whether it was meant to confine the soldier in the guard-room, or where?

*Mr. Munners Sutton* was sure, when the subject was known in the country, that a room would be set apart in the barracks for that purpose.

After a few words from *Sir T. Turton*, the Bill was passed.

Adjourned.

## HOUSE OF LORDS.

WEDNESDAY, MARCH 13.

## INSOLVENT DEBTORS.—ARRESTS.

The order of the day having been moved by Lord Redesdale, the House resolved itself into a Committee on the Insolvent Debtors Bill.

*Earl Stanhope* objected to the appointment of one Commissioner only to hold the Court, conceiving that there ought to be three, and that the Bankrupt business in Chancery might be transferred to this Court. His Lordship also objected to the delivery in the first instance of the schedule on oath, and to the term of three months imprisonment, before the prisoner could petition for his discharge.

*Lord Redesdale* contended, that one Commissioner would be sufficient to do the business, and therefore that there was no necessity to burthen the public with the expence of three. Upon the point of the oath, he contended, that to allow the prisoner to give in a schedule merely upon his declaration, would open a door to fraud, give great additional trouble to the creditors, and delay the discharge of the debtor.

*Lord Holland* agreed with *Lord Redesdale* as to the points of the oath, and the one Commissioner, but thought that the term of imprisonment, before the prisoner should be allowed to petition, might be shortened. He also objected to the severity of the provision respecting prisoners who had lost money, whilst in prison, by gaming.

*Lord Redesdale* was not anxious about the three months, or the terms of the latter clause, which had, however, been copied from former Insolvent Acts.

*The Lord Chancellor* contended for the necessity of the oath, and observed, with respect to the bankrupt business in Chancery, that a better provision respecting it would probably be brought before the House, than that suggested by the noble Earl.

An amendment moved by *Earl Stanhope*, to substitute three Commissioners for one, was withdrawn; and, after some conversation it was agreed, that *Lord Redesdale* should propose his own amendments, and that the Bill should be printed as amended, and re-committed.

*Lord Redesdale* stated the substance of these amendments, which were material, with respect to notices to creditors, that they need only be served on creditors detaining the party in prison, and where they lived at a remote distance, the Court to have a discretionary power to order, instead of notice to be published in two newspapers; Court to have power to compel assignees of insolvents' effects to distribute them amongst the creditors. In cases of insane prisoners, provision to be made for their discharge; in cases of commissions of lunacy, their property to be subject to the disposal of the Court of Chancery; and where no commission, a summary proceeding to be substituted.

The Bill was reported, and ordered to be printed as amended.

The Arrest Bill also passed through a Committee in the same manner. *Earl Stanhope* said a few words respecting the provisions in the Bill, subjecting persons to arrest, who had given bills of exchange or promissory notes, although below 20*l.* which *Lord Redesdale* said had been introduced at the suggestion of some of the learned Judges.

The Bill was reported and ordered to be printed as amended.

Adjourned.

## HOUSE OF COMMONS.

WEDNESDAY, MARCH 13.

## INFORMATIONS EX OFFICIO.

*Lord Folkestone*, observing that the Attorney-General was not in his place, moved that the consideration of his motion on this subject be postponed till to-morrow, and that the House do now adjourn.

*Mr. Perceval* thought it sufficient that the noble Lord should postpone his own motion, without also moving that the House do adjourn. He (*Mr. Perceval*) had a motion standing for to-night, which he was anxious to bring forward, namely, that for funding a quantity of Exchequer-bills.

*Mr. Abercromby* was of opinion, that, under existing circumstances, the motion of the noble Lord was most correct. The absence of gentlemen interested in the business to be brought forward, till a late hour of the night, so that the person bringing it forward must either state it in the absence of those to whom it peculiarly applied, or allow other business to take the precedence of it, sufficiently proved the impropriety of the rule lately introduced by the right honourable gentleman.

After some farther conversation, *Lord Folkestone* fixed his motion decidedly for to-morrow.

[There was no House on the next day.]

## COMMERCIAL CREDIT.

*Mr. Hart Davis* rose to call the attention of the House to a statement in the newspaper called "The Morning Post," where, purporting to give an account of the speech of the Treasurer of the Navy, in answer to that of another honourable member, (*Mr. Huskisson*), on the question as to the state of the commercial credit of the country, that paper represented the Treasurer of the Navy as saying, that instead of there being no failures of any of the great houses in the year 1793, in the town of Liverpool alone six banking-houses had failed. He had felt anxious on this subject, and, on inquiry, found it to be a misrepresentation of the speech of the right honourable gentleman.

The *Speaker* asked, had the honourable gentleman any motion to make on this subject?

*Mr. Hart Davis* said, he left it to the pleasure of the House.

*Mr. Perceval* immediately moved that the House do now resolve into a Committee of Supply.

FUNDING OF TWELVE MILLIONS EXCHEQUER BILLS.

The House having gone into the Committee,

*Mr. Perceval* said, he should now state the amount of Exchequer-bills he proposed to fund into the five per cents. and the dates of the bills to be funded. Last year the sum proposed to be funded was eight millions; and there was a great pressure on the part of the applicants, who wished to avail themselves of this privilege. He proposed that this year the sum to be funded should be twelve millions, and he did not think it likely that the whole of this sum would be funded, at least that there would be any such pressure to be admitted to a participation in this benefit, as there was in the last year. He should propose that the bills to be funded should be those issued between the 10th of April last, and the 11th of the present month of March; and that for every 100*l.* the holder of such bill should be entitled to 103*l.* 14*s.* capital stock in the five per cents. When he, in the first instance, proposed this measure, the five per cents. were at 97 three-quarters. At present they had not experienced a greater depreciation than 10*s.* This was giving a *bonus* therefore of only 1*l.* 5*s.* 1*d.* being much the same as was given last year. This would, he presumed, be a sufficient inducement to the holders of such bills to fund them, and, at the same time, would not be esteemed so advantageous a bargain as to produce any pressure. He therefore proposed a Resolution to that effect, the annuities running from the 5th of January 1811, in the same way as the five per cents. now do.

After a few words from *Mr. Baring*, and an answer from *Mr. Perceval*, both of which were conveyed in so low a tone, that it was impossible to collect the meaning of them, the Resolution was put and agreed to; as was another Resolution, declaring that the sum of Exchequer-bills so to be funded should not exceed twelve millions sterling.

The report was ordered to be received to-morrow, and the Committee to sit again on Friday.

*Mr. Ryder* obtained leave to bring in a Bill for indemnifying Magistrates for enrolling Militia men after the regular

time. He afterwards brought in the Bill, which was read a first time.

#### CAPITAL PUNISHMENTS.

*Sir S. Romilly* intimated his intention to press the second reading of his Bills on the subject of capital punishments to-morrow, to whatever late hour the business which had the precedence of them might run.

*Lord Folkestone* regretted that his motion should interfere with another business of so much importance, but still he must press his motion.

*Mr. Whitbread* moved for certain accounts relative to the comparative trade of Ireland in the last and the present year.—Ordered.

#### PRINTERS PETITION.

*Mr. Martin* gave notice that he should move to have this petition taken into consideration on Tuesday next.

Adjourned.

### HOUSE OF LORDS.

FRIDAY, MARCH 15.

#### RELIGIOUS LIBERTY.

*Earl Stanhope* said, that he rose for the purpose of submitting to their Lordships a clause of very great importance, inasmuch as it related to a matter of the most serious and vital concern to every subject of a free country. It was not his intention to enter at large upon the question of Catholic emancipation, which some persons said was so unsafe to agitate and so pregnant with dangers, but which he considered to be perfectly safe, and fit for their discussion, as long as justice and the common rights of every man were held worthy of attention and support. He should not, therefore, dwell upon the speech he had before heard from the noble Earl (Liverpool) upon that subject: he would just observe, that it was a fair kind of argument; although it proceeded upon the most improper and narrow-minded principles that could be imagined, it had in it a good deal of plausibility. That noble Secretary of State had said, that if any act of oppression against the Catholics could be

pointed out, he should be most ready to do it away; but he would not agree to any measure that tended to give them power. Now, he wished to put the noble Earl to a test of his sincerity on this subject, and to see what he would do in furtherance of his statements. He would strive to avoid every expression that could be deemed irritating or exasperating, and should make no imputation, and fix no charges on Government here or in Ireland for what was past, but only call them to consider how to do their duty with respect to what was to come. A transaction had recently taken place in Ireland, which, however unfortunate and lamentable, had certainly placed the character of that honest and honourable man, Lord Harrington, the Commander-in-Chief there, in a most estimable point of view. He would avoid any detail of the matter, that he might not be charged with introducing topics of an inflaming nature: but, if such practice were permitted as the insisting on Roman Catholic soldiers to attend Protestant worship, or as the prevention of their attending their own chapels, he must say that it was the most horrible tyranny and the most desperate oppression that could be exercised of any description whatsoever. How would their Lordships like to be served so, who were Protestants, if they were ordered to go to the service of the Mass, which they declared to be an idolatrous service? And was not every man's conscience to be equally respected? It was not only the best feelings of humanity, and the soundest principles of liberty, on which he should found his clause; but he should also appeal to the principles of the wisest policy. Ireland became daily more and more important in our consideration. He believed that half our army and half our navy were supplied by that people: and we should have more and more to look to that country for the means of recruiting our ranks and manning our ships. (*Hear!*) And could it be reconciled to common justice and liberty, that these people were to be denied the exercise of their own religion, or compelled to go to services of another sort, contrary to their consciences? (*Hear!*) He could not conceive that any man could make out a reasonable objection to his clause; and he hoped to find, that the noble Earl would shew the sincerity of his speech, by agreeing to it; for it would bring his opinions to the test. The noble Earl said, that no Catholic or other Dissenter should be thus used. Let them remember, that very lately the town of London was in the hands of Dis-

senters; Scotchmen, who were Dissenters here, though Protestants, besides the Catholic soldiers. And if we put our trust in them, ought we to deprive them of the exercise of their religious faith? No! let them know, that there was no necessity for abandoning their religion, when they served their common country. Don't take away their greatest consolations, at the moment when they are devoting themselves to the public service of their King and country. (*Hear! hear!*) He then moved a clause, providing and declaring, that no person in the army, Catholic, Protestant, or other Dissenter, should be compelled to attend a religious service of which he did not approve; nor should be prevented from attending such religious service as was according to his conscience and religious profession, unless such prevention arose out of the necessity of his attending to his military duties.

*The Earl of Liverpool* said, that he must resist the motion, because no sufficient grounds had been laid for it. He agreed in the correctness of the noble Earl's statement of the sentiments he had already expressed; and he should certainly act upon them. He did not object to the principle of the motion: but had only to observe, that it was unnecessary, because the uniform principle was already that which the clause sought to establish. The general orders of an illustrious personage near him, (the Duke of York) issued when he was Commander in Chief, (in the year 1801, we think) were decisive on that point. The practice was therefore established, and there was no need to introduce such a clause; the more especially as it might appear to have a retrospective view, and to impute blame where none was due. That order gave the liberty to the Catholic to attend his chapel, and the Protestant dissenter to attend his meeting-house. The case in Ireland, alluded to by the noble Earl, stood on different grounds than those which the noble Earl supposed. It was the case of a man, a Catholic, falling out of the ranks after parade on a Sunday morning, when he might have marched with the others to the Catholic place of worship; and not an attempt to prevent him from going there, or to compel him to go elsewhere.

*The Marquis of Lansdown* said, that he felt it his duty to support the motion. He imputed no blame to the Government here, or in Ireland, on this point. He believed that it was not in their intention to do any thing so improper as to refuse this just exercise of religious liberty.

Perhaps even it might be true that misrepresentations might be made by the Priests on this subject, and that the people might be told that enlisting in the Army would be attended by a deprivation of their religious freedom. But he was convinced, that the best mode would be to put it on record that they had such a right, by a clause in the Mutiny Bill, and not to leave it as a matter that might appear to rest upon forbearance. As the noble Secretary of State admitted the justice of the principle, he was quite at a loss to see what danger there was in making that principle clear and universally known. He had understood, that when any doubt arose, the best way to remove it, on so important a subject, was by a declaratory enactment, which set all doubts to rest. While he was up, he should just add, that the new clause of the Mutiny Bill, giving the power to Courts-martial of imprisonment instead of corporal punishment, met his entire approbation. He thought it tended to work a great improvement, in every view, in the constitution of our Army; and it therefore merited, as it possessed, his perfect applause.

*Earl Spencer* did not see the necessity of the clause, after the general orders issued while he had the honour of holding an official station. If any violation occurred, that might offer a good reason for adding such a clause hereafter.

*Earl Stanhope* said, that he had gained a great point. The motion he had made had produced an admirable effect. The principle of his clause was universally admitted. No man in that House was found hardy enough to say, that the soldiers should be forced against their consciences. (*Hear!*) But if they voted against his clause, they would be asserting this proposition, in disjunctive, either that Catholics and Dissenters should be compelled against their consciences, or else prevented from acting according to their consciences! This was the test to which he brought them! They agreed to his principle, and yet they would not agree to make it law, on record! As to the other clause, about imprisonment instead of corporal punishment, he highly approved of it. But, only see how long a time it took before one could get a thing done, that was good and fit to be done. He had heard in that House, and out of that House, censures some time back on a most brave and gallant officer named Wilson, for publishing his opinion on this subject. Now, people found out that it was all right! (*Hear!*) So that one must

persevere against all prejudices, in order to obtain what was right! He should only say, that he was determined to divide the Committee: and should conclude by observing, that now, every soldier, and every man in the country, would know what the principle was, and by recommending to their Lordships that excellent advice, "Do unto others as you wish to be done by."

On the question being put on the amendment, the numbers were,

Not Content	-	-	-	22.
Content	-	-	-	11
Majority against the Clause — 11.				

#### THE PRINCE REGENT'S MESSAGE.

*The Marquis of Lansdown* observed, that the message of his Royal Highness respecting the aid to Portugal stood for Monday next. If it could not be conveniently ordered otherwise, he certainly admitted that no other engagements of his, or other noble Lords, ought to interfere with the public business. He was engaged on Monday next, in common with many others, on an anniversary celebration of a particular nature; and if the consideration of the message could be postponed, it would be to him and to them a matter of great accommodation.

*The Earl of Liverpool* said, that when Monday was fixed, it was done without thinking of that particular subject. He had no objection, in the absence of the noble Marquis (Wellesley), to accommodate noble Lords, and should therefore name Thursday, which was agreed to.

#### ADDITIONAL AID TO PORTUGAL.

*The Earl of Lauderdale* said, that the message (part of which he read) mentioned farther or additional aid to be given to Portugal. If the noble Secretary of State had no material objection, he should be glad to know, what was the extent of the additional aid that it was intended to propose?

*The Earl of Liverpool* said, that the answer to the Address, which would be the subject of a motion on Thursday, would of course, be merely general; and that it would fall to the lot of the person who would make the proposition in the Committee of Supply, in the House of Commons, to state the required sum. But he had no objection to mention what was intended, for the satisfaction of the noble

Earl. Last year the aid given was 900,000*l.*; this year it would, on a view of all the circumstances, be proposed, that the sum of two millions should be voted.

PLACES IN REVERSION.

*Earl Grosvenor* rose to move that the second reading of the Reversion Prevention Bill should be postponed till Monday week. The order of the day was accordingly discharged, the motion being agreed to *nem. diss.*

Adjourned to Monday.

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HOUSE OF COMMONS.

FRIDAY, MARCH 15.

COMMITTEE OF SUPPLY.—NAVY ESTIMATES.

*Mr. Yorke* moved the order of the day, for going into a Committee of Supply.

*Mr. C. W. Wynn* observed, that in consequence of the regulation which had been recently adopted respecting the precedence of orders of the day on certain days of the week, it was understood that on those days the orders should be taken according to their priority in the order book. If this were not the case, and the right honourable gentleman opposite should be at liberty to select any order from any part of the list, and by that means give it precedence of the rest, much of the inconvenience which it was expected the late alteration would remove would still be left, inasmuch as the right hon. gentleman might, by giving precedence to particular orders, put off important measures to a late hour. He had no desire to interfere with the priority that was due to the Navy Estimates; but after the recent regulation, he could not allow the right hon. gentleman to claim precedence for any order as a matter of course, and without stating distinctly some sufficient ground for the claim.

*The Speaker*, in calling upon the right hon. gentleman, had conformed to the usage, which, in the memory of every member, prevailed, especially on all questions touching the supplies. He was not aware that the recent regulation had made any change in that usage. All he desired, was to be instructed by the House as to the plain and definite line of his duty; but, until he should be distinctly apprised of the intention of the House to substitute some other course for

that which had been hitherto sanctioned by the uniform practice of Parliament, he should not consider himself warranted in departing from it. He trusted, therefore, that the House would come to some decision upon this point.

A conversation ensued, in which several members took a part; but as the precedence of the Navy Estimates was not disputed, the House went into the Committee of Supply, leaving the other question to be settled, on the next order of the day that should be moved.

The Navy Estimates were referred to the Committee.

Mr. Yorke then rose, and said, that it was his duty on that occasion to propose to the Committee, to vote the necessary supplies for defraying the expence of those branches of the Naval Service contained in the Estimates, especially the Ordinaries and Extraordinaries of the Navy. The Committee would recollect, that they had already voted the number of seamen and marines, the ordnance for the sea service, and the provision for the wear and tear of the ships in which those seamen were to serve. What he had in this instance to propose to be voted, was the estimates for the expences of the civil departments of the navy, of the ships kept in ordinary, that is, not in actual service at sea—of the different allowances by way of pensions naval and military—of the extraordinaries of the navy, viz. the building and repairing of ships in the King's dock-yards, and also completing the ships in the Merchants' yards, and also the expences of the transport service. Before he should proceed to the details of these different estimates, as they were framed somewhat differently from former estimates, he felt that it would be necessary for him to state the principle upon which the estimates were framed. The alteration which had taken place, was adopted in consequence of an Act which had passed towards the close of last session; and in framing the estimates pursuant to the provisions of that Act, much improvement had been effected in the order and arrangement of the different estimates. Before the passing of that Act, it was customary to include under the head of ordinary service, all the expences of superannuation in each department. Considerable confusion was thereby introduced into the estimates; and it was consequently difficult to find the precise amount of the expence of pensions, civil, naval, or military, or of the superannuation, whilst thus included in the ordinary estimate. At present these expences were not only classed under distinct heads, but in

some of the estimates many items had been omitted, as not properly belonging to such estimates. As the estimates were formerly prepared, no satisfactory information could be obtained from them; a defect, which, by the arrangement now introduced, would, he trusted, be altogether corrected. Besides, it was to be observed, that, until last year, several pensions had been discharged from a fund, produced yearly by the sale of old naval and victualling stores, with which they had no necessary connection, but upon which both pensions and superannuations were charged by the King's warrant. The Act of last session very properly directs, that all the sums which should be received for old naval or victualling stores should be brought to account, and distinctly voted; and that the pensions formerly charged upon that fund should be made the subject of estimate. It was with a view to this object, and in obedience to the provisions of the Act, that the estimates of the present year had been framed. As the mode of preparing them was new, he hoped, they would be considered with indulgence by the House; but he at the same time flattered himself that they would not be found to contain many mistakes. But if there should be any errors, they would be easily corrected in a future instance. Having said thus much of the principle upon which the estimates were framed, he should next proceed to state in detail to the Committee the estimates which he was to propose to them to vote. In doing this, he should, as he proceeded, inform the Committee of any increase or diminution which may have taken place in any of the estimates, as well as their total amount. And, after having in that manner put the Committee in possession of all the information upon the subject which appeared to him to be necessary for forming a just opinion upon it, he should be perfectly ready to give any hon. member any explanation which he might deem it right to require upon any one of the items in the estimates. The ordinary service of the navy divided itself into three separate and distinct heads, a division adopted in obedience to the Act of last session. The first head included the salaries of the officers, and the other expences of the departments—of the different dock-yards—of the commissioners and officers of the out-ports and on foreign stations—of the repairs of the ships in ordinary, distinguished from those on service at sea—and of the civil charge for victualling in these branches. The second head comprised the estimates

for the half-pay, and the expences of pensions, naval as well as military, distinguishing them from civil pensions. Under the third head were included the expences of allowances to retired officers, and of superannuation in the civil administration of the navy, and in the different departments of the dock-yards. With respect to the first head, he should observe, that there was a small increase of 2433*l.* above the estimate of last year. The estimate of last year was 174,087*l.* that of the present year 176,525*l.* The increase was to be accounted for on this ground; though there was some saving upon some of the items, yet, upon the whole, there was the small excess he had stated, which arose from that part of the salary of the first Lord of the Admiralty, and of the Treasurer of the Navy, which had been heretofore charged upon the proceeds of the sale of old stores, having been this year included in the estimate. Besides, some augmentation had been made to the salaries of clerks, in consideration of long service in the departments. In the estimate of the expence of the dock-yards, there was also an increase. The estimate of last year, under that head, was 175,558*l.*; the estimate of this year was 181,782*l.* which gave an excess of 6,224*l.* This increase arose principally from some augmentation which it had been thought desirable to make to the salaries of some of the inferior officers in the different dock-yards, and also from its having been found necessary to increase the number of watchmen employed to guard the property in the dock-yards. The expence under the head of commissioners, and officers at the out-ports and on foreign stations, was also greater than in the last year. Last year it was 47,935*l.*: this year it was 58,423*l.* giving an excess of expence amounting to 9,512*l.* This increase arose from the introduction into the estimate of the salaries of officers not before, included; such as the Master-attendant at Gibraltar and Jamaica, which produced an addition to the aggregate of 2540*l.*: the excess likewise arose from the establishment at Barbadoes being included this year in the estimate, and from its having been thought right to make an addition of 1,000*l.* to the salary of each of the commissioners at Bombay and Madras. The next head to which he had to call the attention of the Committee, was the expence of the ships in ordinary, and of building, and of repairs of buildings in the different dock-yards. There was little difference this year in the estimate of the expence for ships in ordinary. Under

one head there was a diminution of expence to the amount of 17,679*l.*; but then under another head there was an increase of 44,672*l.* This increase, which must at first appear considerable, was to be accounted for on the ground of the buildings which were found necessary to be erected in the different dock-yards, which could not possibly be dispensed with, and also by the expence incurred in supplying an additional number of cranes to the yards at Portsmouth and Plymouth, where they were greatly wanted. In the estimate for the expence of victualling the departments there was a saving. The estimate this year was 111,163*l.*; last year it was 131,395*l.*; so that the diminution amounted to 20,232*l.* This diminution of expenditure had arisen from the judicious arrangements adopted by the Victualling Board, of the meritorious conduct of which he was happy to take that opportunity of expressing his entire approbation. Having thus disposed of the estimates for the repairs of ships in ordinary and for building, he next came to the two heads of half-pay and superannuation. Under these heads there was an augmentation of 20,000*l.*; the estimate of last year having been only 250,000*l.* whilst that of the present year was 270,000*l.* Upon the estimate for pensions there was an increase of 4,422*l.* This arose from the small sums which had been required for officers wounded within the year, and also for some addition to the provision for officers' widows. With regard to the estimate for retirement and superannuation, gentlemen who should take the trouble to look through the estimates, would find that there were many items included in the present estimate which heretofore were charged upon the fund produced by the sale of old stores. This rendered the apparent excess much more considerable than the real increase of charge. The estimate of the present year, under this head, was 42,820*l.* that of last year was 23,681*l.* making the apparent excess 19,139*l.* With respect to the extraordinary expence of the navy, that, as he had before stated, consisted of building and repairs of ships in the dock-yards, of building in the merchants' yards, and other expences in the docks. As to the expences in the King's yards, owing to the mode in which the estimates had been prepared, and the omissions of many items of charge, which had crept into them in former years, without being properly or necessarily connected with them, there was a reduction of 53,660*l.* But, as it was thought right that the ships now building in the mer-

chants' yards should be completed and finished, there was under that head of estimate an excess of 208,193*l*. The whole of the expence under this head was last year 1,840,100*l*.; the whole in the present year being 2,048,293*l*. the excess, as he had just stated, amounted to 208,193*l*. This augmentation arose no less from the determination to complete the ships building in the different merchants' yards, than from the necessity of making certain repairs to the buildings at Sheerness, and also from the expence to be incurred for the erection of a wet dock at Malta. The expence of this latter project was estimated at 10,000*l*.; and when it was considered what benefits might be derived from it to his Majesty's vessels in the Mediterranean, he trusted the Committee would not consider the expence any object. It had been suggested by several officers acquainted with that station; and the determination to establish a wet dock in that quarter, had been taken upon a full conviction of the advantages to be derived from it. The transport estimate of this year exceeded that of the last; but this was to be accounted for by the great augmentation of the prisoners of war, the expence of maintaining, together with the addition of several salaries and other contingencies. The estimate this year was four millions and upwards, and that of last year was 3,056,000*l*. He apologised to the House for taking up their time with this detail, and should now leave the estimate for their consideration.

*Mr. C. Hutchinson* had to recommend to the right honourable gentleman the consideration of the state of marine officers; a body of men the most meritorious in themselves, and belonging to a corps which had, on many occasions, eminently distinguished itself. They were merged in the navy, and, though double the number of the artillery, had not half the number of field-officers. Many of those officers now saw men admirals and generals who were not in the service when they entered it. He hoped that the right hon. gentleman would ensure some promotion to the senior captains after a certain service. There was no military body which deserved greater commendation than the marines, and he hoped sincerely the Admiralty would ameliorate their situation.

*Mr. Yorke* agreed fully in the merit of the corps alluded to. They had not, it was true, the same advantages with many officers in the army; but then they did not, like the military officers, purchase their commissions. With respect

to their promotion, every marine officer, after his becoming a captain, proceeded like the military officer in a brevet rank. He had every wish to give them every advantage; but still, from many circumstances, it was impossible to put them on the same footing with the artillery. It was under consideration to make some small addition to the number of marine field-officers, but he could not encourage any hope that the change would be very extensive.

*Mr. Wilberforce* had heard that there was not the same provision for the widows and orphans of marine officers as for those of officers of the navy. He wished to know whether there was any provision for them now?

*Mr. Ward* stated that there were two funds appropriated for their relief, conjointly with that of the navy. The one was the Greenwich fund, and the other was a sinking fund of 5000*l.* per annum.

*Mr. Huskisson* wished to know whether the system of troop-ships, in preference to transports, had had a trial, and with what success? He also wished to know whether it was considered necessary to continue the building of ships at a great expence in merchants' yards? He observed this year, that we had in commission, six first-rates, nine second-rates, and 114 third-rates. In ordinary, we had six first-rates, 10 second-rates, and 101 third-rates; we had also building 30 sail, which would complete an ordinary of 147 sail of the line. Now, it was a question, whether we should continue to increase this great force by so many new ships. In 1793 France had 80 sail of the line, and we had 125. Now that number was increased to 300, an aggregate to equal the half of which all the powers in Europe would be insufficient. In the last war we launched 25 ships, in this we launched 37. No doubt the French force was also increasing; but still the question was, was it increasing in such a proportion as to call for our continual additions, and whether we might not very safely limit our building merely to the King's yards. He had not the least idea of going into details, but he was tempted to say thus much from observing that the estimate for last year was only 19 millions, and that of this year 21.

*Mr. Yorke* thought the hon. gentleman perfectly right in noticing every circumstance which he thought would tend in the least degree to promote public economy. He should endeavour to answer all the questions which he had asked, and also in the order in which he had put them. First, then,

with respect to the troop-ships. He could state that every opportunity was taking to employ them, and that they were considered highly serviceable both in point of security and expedition. There were now fourteen in use, six of two decks, and the rest frigates. Whenever a ship of war was not considered fit to put to sea in that capacity, she was immediately fitted out as a troop-ship; indeed ships of war themselves were sometimes used for that purpose. As to the building ships in the merchants' yards, no new works were begun there lately; and any work which was executing was a work of some duration. Care would be taken that the King's yards should supply a certain number of new ships; and the state of the navy was such as to enable us to quit building altogether in the merchants' yards. As to the general question of why we should increase our navy when that of the enemy was so reduced; he had to answer, that their remaining in port, and our being obliged to be prepared to meet them in all parts of the globe, obliged us positively to support a certain numerical force. The French were making every exertion to collect a great naval force; and when their command of materials, their extent of coast, and their great attention and ability, were considered, it would be easily acknowledged, that our activity ought to be proportionate. The enemy now had sixty-four ships of the line, and forty-four frigates ready for sea, together with forty-five building. We had one hundred ships of the line now in a state of service. The ships which were in ordinary appeared to the hon. gentleman more numerous than, in fact, they were, because many troop-ships were included among them. It was to be hoped, however, that their number might be diminished. He allowed it would be very bad economy to keep up in ordinary, at a great expence, ships which were no longer serviceable; but orders had been given for the sale and breaking up of such as appeared to be in that state. Many new ships were also laid up, in order to be seasoned; and he had no doubt that our navy would receive, when they needed it, a reinforcement of new ships, which would enable us to keep up our naval superiority. We should not only have a force equal to the enemy, but so far superior as to depress all hope of ever putting to sea, or, if he was so presumptuous, to crush him. This he thought our best economy. (*Hear! hear!*)

*Mr. Huskisson* said a few words in explanation.

*Sir C. Pole* said, he never saw a more clear and perspicuous estimate laid before the House than this now brought forward by his right hon. friend. He greatly approved the whole; and in that part which related to superannuations, he believed there was not one that was not necessary. Having said this, he begged leave to make a few observations on some points, which, though not within the scope of the estimates, materially concerned the interests of our navy. He wished to know whether it was intended to make a break-water in Plymouth Sound, for the purpose of securing an anchorage there. It was a matter of the first consequence to our fleets, and the expences attending it ought to be no objection. He also adverted to the necessity of having a harbour for our fleet to the eastward of Portsmouth; and asked, whether it was intended to go on with the plan projected by Lord Melville, for a *dépôt* for the Navy at Northfleet. He thought also, it was not extraneous to the present question, to mention the state of the Chaplains of the Navy, and to hope that some more adequate provision would be made for them. He could not sit down without expressing a wish, that some steps might be taken to expedite payment of prize-money to our seamen, which was now delayed to a length of time that was ruinous to their interests.

*Admiral Harvey* expressed his approbation of that part of the estimate in which ships of war are employed instead of merchant-ships in the transport of troops. The Admiralty, he said, would find it economical in point of wages, in point of time, and in regard to security. He agreed also with the honourable baronet just sat down, in the necessity of making a better provision for Chaplains in the Navy.

*Mr. Croker* stated, that in the present estimates the salary of the First Lord of the Admiralty was set down at 3000*l.* a year, whereas the salary was actually 5000*l.* In former estimates it had been set down at 1000*l.* a year, and the remaining 4000*l.* a year was paid out of the sale of the old stores, &c. The present First Lord of the Admiralty had, however, in consequence of another appointment given to him by his Majesty of 2,000*l.* a year, relinquished to that amount out of the yearly salary, and would receive no more than 3,000*l.* as specified in the present estimate.

*Mr. Wilberforce* expressed himself satisfied with the present estimate; but he could not avoid mentioning his surprise that something farther was not done with respect to

forwarding a safe harbour for our fleet at Northfleet. He had considered the opinions given by Lord Stanhope, and by Lord Melville, and other official men of great ability, who all concurred in sentiment, that this country could have no real security, but in carrying into effect some project for that purpose; and he hoped that his Majesty's Ministers would not suffer any unnecessary delay to take place.

*Mr. Yorke* said, that with respect to a breakwater at Plymouth, or to a harbour at Northfleet, it had been universally allowed that one or both of the projects might be highly serviceable, and perhaps absolutely necessary. They were neither of them; however, as yet brought to the necessary point; they must be submitted to the King or the Regent in Council, and it was therefore not likely they could be brought under the consideration of Parliament during the present Session, as it would also require a supplementary estimate to be made as to the amount of the expence. He hoped, however, gentlemen would not be desirous of hurrying this important matter; and that they would not expect this great plan should be undertaken at once; but that it should be proceeded on by degrees, as the state of our foreign relations may require.

*Mr. Bastard* stated his surprise, that the Commander in Chief of the Channel Fleet should be allowed to receive his full pay, and full prize-money, and be always on shore.

*Mr. Yorke* said, that when our fleet was on such a station as that of Basque Roads, where a few frigates could do all the service required, it had always been customary for the Commander in Chief to be on shore; and he knew no one to whose good discipline the fleet was more indebted than to that of Lord Gambier.

*Mr. Bankes* was well satisfied with the accuracy and new arrangement of the present estimates; but he could not conceive that this country could at this moment enter upon any plans of extended expence. The project at Northfleet, he understood, according to the plan of Lord Melville, would cost 10,000,000*l.* Taking this into consideration, with the very large sum lately granted on account of our commercial credit, and he thought it would shew that this was not a period for such an undertaking. If this expence were *absolutely* necessary, the country *must* incur it; and he thought no time should be lost in ascertaining that fact. He had flattered himself that this was a year in which considerable saving might have been made in our naval ex-

pences. Since the taking of the Isle of France, he thought our expences might have been diminished; and sure he was, that where it was possible, they ought to be diminished. We must now calculate on a very long duration of the war; and if economy were not seriously attended to, it would be impossible for us to carry it on many years longer. It must be in some of our main establishments the necessary retrenchments were to be made, and he particularly looked to the Navy this year for that desirable purpose. Instead of this, he was sorry to find there was an excess amounting to near 2,000,000*l*. It was certainly very desirable, if it was necessary, to form great naval *dépôts*, but it was equally necessary to make great retrenchments; for if not done, the expence of these would bring more danger, in the failure of our finance, than would be gained in security by the expenditure. He had long been of opinion, that our finance was our weakest point, and if the resources of the country were not attended to, the most pernicious consequences must be the result—and if means were not found by which the establishment can be reduced, ruin must ensue. A very large establishment must be extravagant from its magnitude, as well as from the impossibility of examining into it; and for that reason a reduction of it should be particularly and speedily looked to.

*Mr. Yorke* said, that unless it was absolutely necessary to incur these expences, not a guinea should be expended that could be avoided. With regard to the Isle of France, he hoped our possessing it might hereafter prove the means of reducing our expences, but it could not happen for some time. With respect to the excess of 2,000,000*l*. mentioned by *Mr. Bankes*, it was a mistake; the total excess would not be found to exceed between 3 or 400,000*l*.

*Mr. Crooker* said, that with respect to the prize-money of the seamen being behind, some new regulations had been made, by which agents causing such delay would be dismissed from their offices.

*Sir C. Pole* said, he did not know whether the agents were to blame or not, but the fact was, the prize-money was kept back; and he instanced that of the seamen in Lord Duncan's fleet, who had not yet received their money, though it was eleven years since the action took place.

*The Chancellor of the Exchequer* said, he could not tell

the reason why this money had not been paid in so many years; but in the absence of his right honourable friend who presided in the Admiralty Court (Sir W. Scott), he thought it necessary to say he was confident it was not owing to any neglect or default of his. In all the various charges which had been brought forward against that Court, he had always proved his conduct to be upright, honourable, and exemplary. He was aware that the consideration of the estimates was deserving of the most serious attention. A larger force was necessary now to be employed against the enemy, and a greater expence for wear and tear was incurred by blockading their ports, than would be incurred if they were disposed to run greater hazards, and come out to meet us. The country had now gained a great naval ascendancy, and it was absolutely necessary to preserve it.

*Colonel Bastard* thought that the complaints which he had stated from naval officers against the Admiralty ought to be taken into consideration.

*The Chancellor of the Exchequer* thought that no case was made out to justify such an inquiry. It was known, however, that although charges and accusations were numerous, yet when they were inquired into, they were generally found not to be well founded.

The several Resolutions were then put, and agreed to.

#### MISCELLANEOUS SERVICES.

*Mr. Wharton* then moved a great variety of sums for Miscellaneous Services. Among them were the following:—

For the Poor of the Parish of St. Martin in the Fields, 1,218*l.*—Extraordinary Prosecutions relative to the Mint, 2,017*l.*—Due to Sheriffs for convictions of Felons in 1810, 3,435*l.*—To Sheriffs for 1811, 11,000*l.*—To American Loyalists, French Clergy and Emigrants, 178,420*l.*—To Stationary for the House, 3,100*l.*

These Resolutions, and a number of Resolutions for smaller sums in the branches of Miscellaneous Services, were agreed to, and the Report of the Committee was ordered to be brought up on Monday.

*Mr. Wynne* said, that at so late an hour, he would not move the second reading of the Bill for preventing bribery at Elections; but he wished to fix the order for the second reading on Monday se'nnight, as on that day it might be the first business before the House.

## INDIA AFFAIRS.

*Mr. Creevey* said, that preparatory to his calling the serious attention of the House to the subject he had before mentioned, he would move for some papers which he understood would not be refused him. He thought it would appear, that for many years the Directors had been making dividends which they were not entitled to make from the state of the concern. No less than five millions had been thus put into the pockets of the Stock-holders, which ought not to have been paid them. The proceeds were always exactly enough to give large dividends, but never efficient for other purposes. He concluded by moving for "an account of the net proceeds of sales of goods at home, from 1793 to the present time, and of the property of the Company, with its expenditure."

*Mr. Dundas* said, that there was no objection to granting the paper moved for. He believed, however, that when it was produced, the honourable gentleman would be found as wrong in fact, as he had been the other day in law. The affairs of the Company were by no means in the bad state he described.

*Mr. Creevey* said, that the description was not his, but was to be found in the written documents of the Company themselves, however individual Directors might contradict the statement.

*Mr. Grant* felt convinced, that when the paper moved for was produced, it would confirm the statements which the Directors had made in that House, as well as out of it, and that the affairs of the Company would not appear so bad as they had been represented.

The papers moved for were then granted.

## COMMERCIAL RELIEF BILL.

*The Chancellor of the Exchequer* brought in the Bill for applying a certain quantity of Exchequer-bills for the relief of commercial men, giving security for loans to be made them.

The Bill was read a first time.

Upon the question of its being read a second time tomorrow,

*Lord Folkestone* thought it was a matter of too much importance to come on on Saturday. He himself and other

gentlemen, objected to the principle of it, and meant to oppose the second reading.

*The Chancellor of the Exchequer* urged the necessity of losing no time on a business of such importance.

*Mr. Banks* suggested to the noble Lord, that as he could hardly hope to prevent the Bill passing, it would be better that he should reserve his opposition till the next stage of the Bill, in order that no time might be lost.

The Bill was then ordered to be read a second time to-morrow.

The other orders of the day were then disposed of.—  
Adjourned.

## HOUSE OF LORDS.

MONDAY, MARCH 18.

### MUTINY BILL.

The order of the day being moved for the third reading of the Mutiny Bill,

*Earl Stanhope* rose, and observed, that the importance of the present Bill was so great, that it ought not to be passed in so thin a House; particularly as the Irish Peers, whom it especially concerned, for some peculiar reasons, were absent on account of a charitable celebration. The Secretary of State had agreed the other day to put off the Prince's Message, and he thought the same reason applied in the present instance. He, therefore, moved to adjourn the further consideration of it till Thursday next.

*The Earl of Liverpool* said, that if any noble Lord had, on a former occasion, expressed his wish to postpone the present business on the same grounds on which the present motion was made, he should not have opposed it; but at present he saw no good reason for any further delay.

The motion of postponement was negatived.

### RELIGIOUS LIBERTY.

*Earl Stanhope* said, that he should now move the same proposition in substance, and nearly the same in words, which he had before moved. He had brought it forward originally on the grounds of humanity, liberality, and equal justice. He had been told before, that he had laid no grounds for his motion. At that time he declared that he

wished to say nothing that could exasperate or inflame, and therefore he abstained from mentioning any names. But the noble Secretary of State having mentioned some circumstances of the case, he should now come forward and challenge inquiry into what he had stated; for which he could bring persons to their Lordships' Bar, to prove the facts which he was authorized to state. He should now state three separate grounds on which he might rest his motion. The first was the affair he had already stated in Ireland. A letter was written from Enniskillen to a gentleman at Dublin (a barrister), giving an account of the transaction. One man, a gunner, had been confined on the 30th of January, in a black hole, and several others compelled to wear their coats turned, for refusing to attend the service of the Established Church, they being Irish Catholics. It was further added, that Captain Walsh, the commanding officer, had declared, that if there had been only one offender, he would have had him tried by a court-martial, and *flogged*; but as there were so many, he should wait orders from head-quarters. The man who was confined, remained in his durance at the time the letter was written; on the receipt of which, the gentleman who received it did not do any thing indirectly or privately, but sent it at once to a public newspaper, addressing it to Lord Harrington, on the 2nd of January last. That noble and gallant Lord, like an honest man, took no offence at the mode of communication, but immediately issued his orders, which stated the reports of the compulsion of the attendance of Catholic soldiers at places of worship different from their own, and their punishment for refusal, and declared the Commander in Chief's disapprobation of such conduct, and its violation of the general orders of the army. His second ground of facts was a circumstance that had recently occurred here in the Royal Artillery, so lately as the 6th of last January, when a man was immured in a dark room for 12 days for refusing in decent language to go to the Protestant church service, he being an Irish Catholic. He was at length released by a non-commissioned officer. His Lordship said he had the names; and would produce them, and his witnesses, too, if his facts were disputed. If the man had refused in language not reckoned decent, still he should have called him innocent, because he had no right to be so treated. His third ground was a matter of this sort

in Sicily, from which country two Irish Catholic Priests were driven away by what he supposed must be the act of the government: for he could not think of imputing it to Sir John Stuart. No! Cowards were cruel; but the brave loved mercy, and loved to save. There were many Irish Catholic soldiers in Sicily: there was the Enniskillen regiment, commanded by that brave and noble man the Earl of Moira, which was mostly Catholic. The 58th and the 62d regiments there were also composed of the same description of our fellow-subjects. The Sicilian Priests were, to be sure, Catholics; but then, they did not speak the same language as our Irish soldiers, and consequently they were not fit for the administering of those religious duties which the soldiers conscientiously considered as necessary. The noble Earl here read a letter of considerable length, describing the whole of the business, and stating how indignant the Priests and people of Sicily felt at the strange and unaccountable order for their departure. When they remonstrated with the Commander-in-Chief, they were informed by his Military Secretary, that there was no particular ground of complaint; but that the measure had proceeded on principles of a general nature! What could those principles be which were thus to operate against his Majesty's subjects? Such conduct was an universal wrong. He called particularly the attention of the most reverend the Metropolitan to these circumstances of intolerance and oppression. When that odious, infamous, and infernal traffic, the Slave Trade, was opposed, not only the principles of humanity, but also of policy, were appealed to; and he should say a word or two on the policy of the conduct he was then discussing. Recollect, that half the army and navy, or more than that, was made up of dissenters from the established Church. They had grown amazingly in numbers of late years; presbyterians, catholics, and other sects. If they looked first at England, they would find that, in the first 15 years of the present reign, the number of places licensed under what was called the Toleration Act, amounted to 1,317. In the last 15 years, ending 1803, they amounted to 7,629. If they took in the intermediate period, it would be found, that from the beginning of the reign, their numbers were 12,161. So very popular, it appeared, did the Established Church grow among us! If they looked at Scotland, they would find almost every body to be what was called here a dissenter from the church. In Ireland, see the great

number of Catholics, and then the number of Presbyterians, and they would find the Established Church outstripped ten to one! He was glad of the increase of dissenters, because it shewed a good deal of honesty and conscientious integrity in the land; for what was the temptation that such men had to leave the Church? He would not call, and he never did call, the Church what some Presbyterians had called it (a name that had been given to the Romish Church) the Whore of Babylon! nor would he agree with some who said, when a dish of meat was smoked in the cooking, that it had had the bishop's foot in it! (*A laugh*). But he was glad of the increase of dissenters, for they were always, in all countries, the best friends of civil liberty. He should say so of Protestants in a Catholic country, such as France, and parts of Germany, &c. and so here too. Now where could be the *policy* of irritating and offending such a numerous and important class of persons, by refusing them their just rights? After various other observations, the noble Earl concluded by moving a proviso, that nothing contained in the Act should be construed to extend to the compelling any soldier to attend a place of worship he did not approve of, nor to prevent him from attending such divine service as was according to his profession, unless in cases where his military duty required it.

*The Earl of Liverpool* declined going into the various topics in the noble Earl's speech; but remarked, that it contained its own answer, as it shewed that the moment the complaint was made to Lord Harrington, the evil was removed, according to the orders issued in 1805. As to the case of Sicily, the letter read by the noble Earl was formerly put into the hands of Mr. Grattan, a gentleman who, he must say, however he differed from him in matters of great political importance, always conducted himself in such questions with the greatest honour and liberality. Mr. G. got it previous to his motion respecting the Catholic claims, and shewed it to Government, who made an inquiry into the subject, which produced an explanation of the transaction. Mr. G. himself considered that the account could only be viewed as a species of *ex-parte* evidence.

*The Earl of Hardwicke* thought the clause would be unnecessary. He was five years in Ireland, and never heard any complaint on this head.

*The Earl of Carlisle* thought it would be more hurtful to reject the clause than to receive it: certainly, grounds had been laid for Government taking it into serious consideration.

*Earl Stanhope* replied briefly. He considered an instance of the sort universally wrong; as he did when John Wilkes was ill treated, consider it an universal wrong to all the electors in the kingdom. He would not divide the House, as the Irish Peers were absent.

The Bill was then read a third time, and passed; as was also the Marine Mutiny Bill.—Adjourned.

## HOUSE OF COMMONS.

MONDAY, MARCH 18.

### THE PRINCE REGENT'S MESSAGE—PORTUGUESE TROOPS IN BRITISH PAY.

*The Chancellor of the Exchequer* having moved the order of the day for going into a Committee of Supply, the House accordingly resolved itself into the Committee; the Prince Regent's Message having been previously referred to the Committee.

*The Chancellor of the Exchequer* then rose, and said, that in rising to call the attention of the Committee to that part of his royal highness the Prince Regent's Message, which referred to the subject of granting still further assistance to Portugal, he could not forbear to express a confident expectation that there would not be much opposition made to the motion with which he should have the honour to conclude. Although the proposition which he had last year brought forward on the same subject had met with some opposition, and though the grant which it was in this instance his intention to submit to the Committee amounted to a considerable increase beyond the sum voted last year, he yet conceived, that, in the circumstances under which he made the application, and considering the alteration that had taken place in the state of affairs, it was not likely that even those who opposed the former grant would be disposed to object to his motion in this instance. The grounds and the motives upon which he had recommended the measure in the last session, had been fully and satisfactorily confirmed by experience; and the events which had since taken place had so changed the views and bearings of the question, that if it were to be decided even by the voices of those who had thought right to object to the measure last year, no opposition, he was persuaded, would

be made to its adoption. When last year he had submitted to Parliament a proposition for granting to his Majesty a certain sum to enable his Majesty to take into his pay a portion of Portuguese troops, the idea of employing Portuguese troops under British officers, in British pay, and trained to British discipline, was entirely new. There were not wanting those, on that occasion, who were disposed to give way to contemptuous anticipations of what might be likely to be the exertions of such troops. There were persons, too, who threw ridicule on the idea of employing such a body of men, whose services were represented of little value to the cause, in support of which they were to be employed. It had even been then objected, that, in taking such a number of Portuguese troops into British pay, we would be bringing upon ourselves the whole burthen of the Portuguese war, and leaving nothing to be effected by Portugal in the shape of exertion for her own defence; and for her own preservation. In proposing the measure at that time, they were left altogether to conjectures as to its result; and as the conjectures then entertained had since been realised, and every expectation fulfilled, he trusted he should have credit for the propriety of the grounds upon which he had acted. Though some honourable gentlemen took rather a gloomy view of the case, he must say, that the hopes on the other hand were as sanguine as the despair; but at that time the event was uncertain: they had nothing to fortify their opinions—no fact to urge in support of their arguments. Now the case was altered; the change which had taken place enabled them to refer to the event, in order to shew that all the arguments in support of the former grant had been completely confirmed. The expectations held forth, however sanguine, had been exceeded, rather than disappointed, by the result. Under these circumstances, when experience had proved the propriety of the former grant, and when even the assertion, that to take so large a portion of the Portuguese force into British pay would be to leave nothing to the Portuguese nation to do in the maintenance of their own cause, had turned out to be equally unfounded with the suspicions as to the efficiency of the Portuguese troops, he trusted that the Committee would concur in the motion he had to make. With respect to the exertions of the Portuguese Government, he could assure the Committee, and upon the most unquestionable authority, that instead of 30,000 men; the number taken

into British pay, the regular Portuguese force was not less than 44 or 45,000 men. (*Hear! hear!*) In addition to this regular force, the Portuguese militia amounted to 40,000 men. When they looked to the aggregate of this force, the Committee would perceive that the whole of the burthen was not borne by this country. By the measure adopted last session, this country had undoubtedly taken a share of the burthen upon itself; but then the statement he had just made must satisfy them, that so far from leaving nothing to Portugal to do, her exertions had been strenuous, and the assistance she received had not induced her to relax her own efforts. The Committee must be aware of the manner in which the war was waged in Portugal. They must be sensible how much the means of exertion must be crippled by the occupation of a considerable portion of the country by the French army, which, by marching from place to place, must necessarily have intercepted its resources and revenues; and that it was not to be expected that Portugal, so circumstanced, could be able to make the same efforts as if no part of her territory was in the possession of an enemy, nor any portion of her means diverted from her disposal to the support of that enemy. If the Committee should be of opinion, that the exertions already made had proved beneficial to the cause, and were desirable to be continued, it would naturally follow, that they must feel the propriety of assisting Portugal largely. This was the view of the case which induced him to think, that those who differed from him as to the former grant, would concur in the present proposition; and that they would agree not only to a grant of a sum to the same extent as that granted last session, but that the sum to be granted in the present session should, instead of one, be two millions.—After the short view which he had thus taken of the manner in which the campaign in its progress had realised the expectations entertained last session, he was convinced that no doubt could be entertained as to one point—the propriety of still keeping alive in Portugal that feeling and that exertion which alone could afford any prospect of final success to her cause. Different views had been, and might still be, entertained as to the manner in which the efforts of this country in support of the Portuguese should have been directed: yet, however different the opinions might be as to the propriety of the course that ought to have been originally adopted, as we were at present so far advanced

in a particular plan of operations, it must be allowed, that nothing could be so weak, so unwise, or impolitic, as to abandon that plan at present for the adoption of any other, which, though it might have been originally better, could not now be resorted to but under circumstances of great disadvantage. He was sure, therefore, that whatever may be thought of the merits of the plan of operations now in progress, no honourable member would recommend to them to re-tread their steps, and make any alteration in the system hitherto acted upon. He was sure, on the contrary, that it would be felt, that they had been right in their selection of the spot on which to raise the standard against the enemy:—(*Hear! hear!*)—a spot upon which we could be best enabled to carry our own operations to the greatest extent with every advantage, and which was in a peculiar degree inconvenient to the enemy. With all their opinions therefore confirmed by the event, and every expectation derived from the measure realised, he could not bring himself to suppose that the Committee would not think it right to follow up the plan of operations hitherto acted upon.—It was not fair, he must contend, in honourable gentlemen to state, that either his Majesty's Ministers, or those who concurred with them, had ever held out the prospect, that in a short period the French would be driven from the Peninsula—that a victory was considered as certain—or even an ultimate triumph confidently anticipated. Without presuming to throw out such confident views of the issue of the contest, all he had ever asserted on this head was, what he was still ready to repeat, that he entertained a confident expectation that we should be able successfully to defend Portugal against any probable amount of force which the French might be able to employ against that kingdom.—It was upon this impression, that the actual scene of operations had been chosen; and it was in the full persuasion of the justice of this expectation, that it was deemed wise to continue the operations there. All that had happened, justified the course which had been adopted; and whilst that was the case, it was impossible to alter the opinions which had been formed upon the subject. He besought the Committee to look to every part of the subject—to look to the progress of the campaign, and to the exertions which had been made in the course of it by Portugal; and he would then ask, whether the result had not completely justified all the opinions which in the last

session he had advanced? Every public dispatch, as well as every private communication from the army, concurred in representing the Portuguese troops disciplined by British officers as worthy of the instructions they received, and of the example that was set to them. If it were necessary for him to resort to any authorities to establish this character of the Portuguese troops, he need only to remind the Committee of the observations made by a French General Officer, with respect to the conduct of the Portuguese troops at the battle of Busaco. That officer had stated, that he considered it an excellent *ruse de guerre* to disguise the veteran troops of England in Portuguese uniform, in order to entrap the French into an attack upon such troops with a confidence of success against a certainty of failure. That was the best testimony of the efficacy of the Portuguese troops, and of the policy of the measure by means of which they had been brought to that state of discipline. With respect to the character of the campaign itself, what, he would ask, would be a stronger proof of its value than the language now employed by the enemy? What a higher tribute to its merits, than the alteration of tone so manifest in all the recent publications of France upon the subject of this campaign? We were not now told that the British army should be driven in a short period of time into the sea. It was not now insolently asserted, that the allies were to be suddenly brushed away on the first appearance of the enemy in the field against them. (*Hear, hear!*) The language now held, on the contrary, was, that the object of the enemy was to be accomplished, not by decisive action, but by protracted operations—not by sudden and vigorous efforts in the field, but by endeavours to draw down ruin upon our hopes by the progress of time and the consequent accumulation of expences. (*Hear, hear!*) This language designated the altered character of the campaign; and upon this ground they were justified in arguing, that the enemy entertained no hope of being able to subjugate the Peninsula, but by driving the British army out of Portugal. This was an operation which they had conceived easy of accomplishment at first; but now, finding their expectations frustrated, and that the thing was more difficult than they at first imagined, they were obliged to alter their tone. Now, their object was to continue the contest, campaign after campaign, in the hope of being able ultimately to reduce the British Government in consequence of the ex-

pence, to withdraw the British army from Portugal. So, then, after all the treasure expended, and all the blood wasted in the Peninsula, instead of brushing away the insurgents, who were never considered but as objects of their contempt, the French were now to look forward to protracted operations! (*Hear! hear!*) France, then, no longer looks forward to victories, similar to those by which she had previously subjugated a great portion of Europe! Whilst the same spirit continued to animate the brave inhabitants of the Peninsula, even though the French should obtain victories, he trusted they would be followed by disasters similar to those which had already attended their progress. The spot, therefore, which had been chosen, was, he would contend, that on which we could hope to carry on operations with most advantage to ourselves, and most inconvenience to the enemy. (*Hear, hear!*) He would repeat the assertion, (*Hear, hear!*) and would challenge the hon. gentlemen, who, by their cheering in such a manner, seemed to intimate that they did not concur in the sentiment, to point out any spot in Europe where France could have been so successfully resisted—where more assistance could be expected to be derived from the allies with whom we might have to co-operate; or where the French army, operating at a distance from its resources, having a long chain of communications to keep open, and exposed at all times to the danger of having its supplies intercepted, could encounter a greater amount of inconvenience, or entertain so small a prospect of success? If that, then, was the fair and just state of the case, he could not allow himself to harbour a doubt, that it would not be considered as a reasonable ground upon which he was justified in looking with confidence to the concurrence of the Committee in the proposition he had to submit. He was firmly persuaded that the Committee would agree with him, that, as the war must be allowed on all hands, inevitably, to be carried on—a war not voluntary on our parts, but imposed upon us by the injustice and aggression of the enemy, this was the scene most advantageous for us, and most inconvenient for the enemy, in which to continue its operations. He was so deeply impressed with this opinion, that he trusted no objection would be made to his motion. He had already stated that the sum to be proposed was two millions; and he had only to add, that he should recommend that the money should be granted generally to the Prince Regent, to

be applied by him in such manner, and for such assistance, as may be most advantageous, according to the circumstances of the campaign. The grant he proposed to make in this general way, in order that in the disposal of it they might be able to look at the events of the campaign as they might occur; that, if any reverses or disasters (which he did not think likely) should unfortunately take place, whatever portion of it may be unapplied at the time, should not be wasted in a lost contest and a hopeless cause. (*Hear! hear!*) The right hon. gentleman concluded by moving, "that a sum not exceeding two millions be granted to the Prince Regent, to enable him to take a certain number of Portuguese troops into British pay, and to afford such further assistance to the Portuguese nation as the circumstances of the campaign may render necessary."

*Mr. Ponsonby* said, that when he coupled this proposed grant, increased as it was this year, with the formal stipulation into which we had entered, never to acknowledge any King of Portugal, except an heir of the House of Braganza, he could see no end to our experiments and our extravagance, until the people were left without a single shilling to support them. Supposing we say every motive, both of policy and generosity, exists for assisting the Portuguese: yet, where was the necessity for binding ourselves by this unwise stipulation to the House of Braganza? The right hon. gentleman had assigned as a reason for this additional grant, that the Portuguese were now deprived of many of their usual resources by the occupation of the greatest part of their territory by the enemy. What! was this possible? Was this, then, at last the truth? Was this fact and were all the statements in the gazette on this subject falsehoods? That gazette had distinctly declared that the enemy did not possess a single spot of Portuguese ground except that which their army occupied. But now, down comes the right hon. gentleman with his counter-authority, that the greatest part of Portugal itself was in French hands, and that the Government of the country was thereby deprived of its customary resources! But then, by way of amends, the right hon. gentleman said, that Portugal was, of all others, the most fortunate theatre of war for us, and the most unfortunate for the enemy. It was our chosen spot—our selected theatre. What! was, then, the distance between Lisbon and Cartaxo, within which we were now confined, this fortunate, this chosen and selected theatre? Where

was the great fortune which it had produced to us? When we sent our army thither, we sent it to the frontiers; we sent it, some said, to the defence of Spain: we were then driven from both Spain and the Portuguese frontiers, until at last, this night we were told, that our chosen theatre was the short distance between Lisbon and Cartaxo. "Encouraged, however," as the right hon. gentleman said, "by our successes," he came down to the House with confidence. How! "by our successes?" He was the last person in the country who would be inclined to cast suspicion either upon the Spaniards or the Portuguese, or our own brave soldiers; but what did he mean by "our successes?"—Was it success which drove us from Spain? Was it success which compelled us to retreat through the interior of Portugal? Was it success which made us view the fall of Ciudad Rodrigo?—Was it success which lost us Almeida?—were those facts?—was this encouragement to us now to increase our grant to two millions? But, says the Chancellor of the Exchequer, the Portuguese have lost much of their revenue, and it is in our policy to supply their deficiency. According to this principle, we were called upon to increase our grants as the misfortunes of the Portuguese augmented. Has the right hon. gentleman reflected on the consequence of this principle? Has he considered or calculated how long this country could support such an expence? Did he consider the actual expence of sending our money to Portugal? Did he reflect that we lost 30*l.* out of every hundred which we sent to Portugal? This was a fact; and he defied either the right hon. gentleman himself, or any of his financial friends, to deny it. But how was even this 70*l.* paid? Why, half in Portuguese paper. There was in Portugal a money price and a paper price; and in this depreciated paper-currency one half of our bills was paid. Let the right hon. gentleman reflect on this, when he talked of sending more money out of the country. Let him reflect on his own measure, on that report of the Committee, in the drawing up of which he himself assisted, and by which six millions of Exchequer-bills were declared actually necessary to the relief of our own commercial credit. But then the right hon. gentleman anticipated much good fortune from the altered tone of the enemy. Great, however, as his official information must comparatively be, it was nevertheless impossible that he could penetrate the policy of Buonaparté. How could he tell what disposition he intended to make of

the 400,000 men which he had as surplus to his Spanish and Portuguese armies? How could he guess the cause of the vast military assemblage which he was collecting in the north of Europe? A force equal to that with which he contended against Russia, Austria, and Prussia. If, indeed, the enemy had any design in that quarter, he would be glad, rather than grieved, to see our army collected in Portugal. But then it was said, that the contest in Portugal was forced on us. No; we ourselves made choice of Portugal. After the battle of Talavera, we abandoned Spain, with the exception of our garrisons in Gibraltar and Cadiz. Why did we do this? Was it because we saw there was no chance of success in Spain, or in co-operation with the Spaniards? He feared, indeed, that there was no chance of ultimate success either in Spain or Portugal. He most devoutly wished it was otherwise; but still the fact of our abandoning all the country, except the short space between Lisbon and Cartaxo, could not be got over. If in the face of those facts we went on increasing our grants, we might carry the principle at once to this—that while we had one single Portuguese town, our contributions should not cease. This would not hurt France, and must in the end disable England. He did not mean to take the sense of the House upon this subject, but could not avoid the statement which he had made, and which emanated from no party spirit or angry opposition, but from a real wish to counteract a system replete with danger, and void of all benefit to the country.

*Mr. Sullivan* took a review of the state of Portugal now, and its state in 1809, when the struggle first commenced, and dwelt on the benefits which our aid and the Portuguese patriotism had produced. By our exertions we had repulsed the troops of France, compelled their Emperor to call his select General to their command, and rendered his vaunt of placing his Imperial Eagle on the towers of Lisbon, in 1809, ridiculous. The Portuguese had marshalled 40,000 men in the field; a force, compared with the population of Portugal, much greater than any of the veteran military nations of Europe had called forth. Spain and Portugal had made a powerful resistance; they had exceeded his most sanguine hopes; and he looked forward to their final success against the tyrant of Europe. Under these circumstances he should concur in the motion.

*Mr. Freemantle* did not rise for the purpose of opposing

this vote; but at the same time he must declare, that he did not accede to it but upon compulsion. The system which we had pursued rendered the aid necessary; but still that system was impolitic and ruinous. When this contest first commenced, he, in common with others, hailed the principles on which our interference was founded; but those principles had been now abandoned. The system now adopted seemed to be that of fighting the war with our armies on the Continent. No doubt it was wise in us to assist our allies, but still we must take care to extend that assistance in such a manner as not to commit ourselves. He did not mean to go into a detail of our exploits; but if he did, he was convinced he would be only detailing the brilliant achievements of our countrymen: all, however, which he wished the House now to look to was the result of these exploits. In Portugal we ended our first victories, obtained as they were by the gallantry of our troops, and the consummate talents of the General, with the Convention of Cintra. In Spain the temper, the spirit, the genius, and the energies of our lamented Moore, alone brought our brave army from Corunna, and brought it home only a wreck! Again we sent Lord Wellington to Spain, and what was the consequence? Why, he gained a victory at Talavera—a victory as brilliant and as decisive as any ever gained by a General. But how did it end? In the loss of territory, in the disgrace of our councils, in the destruction of half our army by famine, sickness, and disorganization of every kind. What was our situation now? We advanced into Portugal; Massena came; we retreated. No blame could possibly be attached either to our forces or our General; they did all that brave men could do; they conquered when they fought. Busaco was a proof of this (*Hear! hear!*); but they could not counteract a pernicious system; and now they stood insulated, blockaded, with the choice of their movements, whether to retreat or fight, or manœuvre, solely at the option of the enemy. It was unnecessary to go into the details of the different actions; these all proved what we knew before, the courage of our soldiers, and the skill, energy, and genius of Lord Wellington. But the country must look not to details, but results; and those results had been, indeed, most detrimental to its interests. The right honourable gentleman had sneered at the predictions which had been made by those who disapproved his system, made, aye, and verified. (*Hear! hear!*) No mat-

ter, however, whether they were verified or not, the right honourable gentleman did not do his duty by merely proving that others were wrong; he must do more, he must prove that he himself was right. And difficult indeed would that task prove; for every day, nay, every hour, our affairs were becoming more desperate and dangerous. It had been said, that our efforts in this cause had checked the Continental pursuits of Buonaparté. How? Did the check formerly exist, or does it now? Did it impede his course? Did it control his victories? Good God! with 500,000 men at his nod, does he not at this moment from his closet in the Louvre command every Cabinet in Europe? Were we to conclude that he was thwarted—because he was reposing in his palace and directing the world? Not one step has he gone beyond his usual military expences. Not one additional shilling has he imposed upon his subjects. If any man doubted this, let him look to his last financial report, in which he told his Senate, he would accomplish his projects in Spain without any addition to their burthens. He remembered it had been stated, that the French sent into Spain 500,000 men, and that they now had but 200,000 remaining. In this calculation, however, the number which Buonaparté himself brought out of it was entirely omitted. Even at this moment he was capable of bringing to any quarter of the globe, a force equal to that which he led into Spain. It had been said, however, that we had, by our Spanish alliance, paralyzed the exertions of the French Emperor against England. How? Had he not influenced the Continent to the extinction of our commerce? Was he not now, by the confession of the First Lord of the Admiralty, most actively employed in the nurture of a navy?—Did he not, by that confession, build 110 ships while we were building 100?—Was this a proof that his energies were paralyzed? And now, how were we employed?—Why, in advancing six millions to our bankrupt merchants. Looking then to the results, he must conclude that the system was ruinous, and ought not to be continued.

*Mr. Peck* observed, that in the last year, when the House could only proceed upon conjecture, there was naturally great variance of opinion. There was then plausible ground for the doubts and differences which agitated the minds of men. The scepticism and despondent feelings of the honourable gentleman opposite were then in some measure explained, by the recollection that France had just

concluded a peace with Austria, and was prepared to employ its whole force in the Peninsula. We had now had experience of these additional levies, and could frame our calculations upon a sure foundation. The Portuguese had shewn themselves to be equal to the combat, and warranted us in entertaining a sanguine expectation of their future exertions. When we had thus in the course of the last year exchanged vague conjecture for satisfactory experience, he must consider the time which had been used that night on the other side as not a little surprising—(*Hear! hear!*) Those hopes of complete success which had been ascribed to Government, they had never indulged in, and he believed the honourable gentleman would hardly challenge him on points of prediction. What had been the fate of those predictions which so boldly pronounced the unfitness of the Portuguese? (*Hear! hear!*) We had been asked what would become of the Portuguese armies in the event of our abandoning that country? Certainly little, he conceived, in unison with genuine British feelings, had been lavished on their faithful and persevering allies. We had been tauntingly told that our name was unpopular on the Continent, that while France improved the institutions and reformed the governments of Spain and Portugal, we made alliance with their weakness and corruption. France was represented as conciliating the affections of the people by her works of regeneration; if so, that was the return she had met with from the rugged and ungrateful people of Portugal? They had united heart and hand in resistance to the invader, and were now in arms against him in greater numbers than had ever before been witnessed in that country. (*Hear! hear!*) They had not waited to stipulate reform, before they took up arms to resist the aggressor. (*Hear! hear!*) Criticisms had once been passed on the impolicy of dispersing our force, and wasting its strength in a multitude of unconnected operations; now the censure was, that the force was concentrated. It was well in his mind, that the battle should be fought on other shores than our own. (*Hear! hear!*) It was something in his estimation that the fatal hour of that conflict had been at least deferred. Let the length of the war in Spain be contrasted with the duration of those wars in which Buonaparté has strided with such rapidity over the prostrate dynasties of Europe. If indeed it was to be held that his march was irresistible, and that the Empire of the West must be finally established;

if it was determined to be right that Europe should crouch before the Usurper, then the arguments which had been urged that night must be admitted to be incontrovertible. But if this doctrine was deserving only of contempt, then he could venture to say, that the Continent did not present an arena more fertile of advantage than the present scene of military action. (*Hear! hear!*) The honourable gentleman had argued that the enemy could easily repair a defeat, or retrieve any disaster that could befall him. He remembered when much was said of the *moral* effect of victory, as descriptive of the anticipated success of Buonaparté; but was this moral influence some hidden charm whose virtue the enemy only could ascertain; was it some magic spell ever operating in his exclusive favour? The *Exposé* of the French Minister had been referred to, and he would also beg to direct the attention of the House to the lately altered tone and commentary of the foreign journals. If it did appear, that with one-sixth part of our own military force we employed in Spain and Portugal, one-half of the enemy's disposable strength, surely he might assume that it was the interest of the country to persist in the struggle and trial for an honourable issue. An honourable General (Tarleton) had recently censured Lord Wellington for not attacking Marshal Ney. He must remind the House, that at the period referred to, Lord Wellington's army was greatly reduced by detachments; and that the one-half of it consisted of these untried, calumniated Portuguese, the object with many, even now, of contempt and derision. He would say too, that Rodrigo and Almeida had, even in their fall, exemplified the talents of the British General. When future ages should recur to the history of that campaign, it would be surveyed with the eye of impartiality and admiration. For three years had the foe been baffled, and was now left with the solitary consolation of hoping to effect our expulsion by the exhaustion of our finances. (*Hear! hear! hear!*) He was convinced that the battles which had taken place would not be ultimately found to have been fought in vain. Cadiz and Gibraltar were but as dust in a balance when compared to that state to which France was now committed. Much, however, had been done by the Spaniards, in forming a legal Government in this last asylum; and much of the non-performance on their part might be, perhaps, with too much justice, imputed to our desponding and disheartening sentiments, which magnified their

difficulties, and inspired despair where courage only should have been excited. He could not help feeling some degree of pain at the manner in which Lord Wellington's conduct had been examined and condemned at home; and was apprehensive that his ardour might be abated on hearing of the insidious means employed to tarnish the lustre of his reputation. He believed that the time would yet come, when the proud circle of Lord Wellington's laurels would receive another wreath of glory, when a yet more signal achievement would raise him to a still higher pinnacle of fame. (*Hear! hear!*) He cherished the sanguine expectation that the day would soon arrive, when another and transcending victory should silence the tongue of envy, and the cavils of party animosity; when the British Commander would be hailed by the unanimous voice of his country, with the sentiment addressed on a memorable occasion to an illustrious character, "*Invidiam gloriâ superâsti.*" (*Hear! hear! hear!*)

*General Tarleton* declared that he meant no attack on Lord Wellington in what he had said on a former night. He had grounded what fell from him merely on the information contained in the papers on the table relative to Ciudad Rodrigo.

*Mr. Pele* explained.

*General Tarleton* said, he only wished to vindicate himself against the assertion made by the honourable member, of his having attributed gross neglect to Lord Wellington. He had done no such thing. He had then adverted to the sacrifices we had made in the Peninsula. We had sent thither 50,000 men, and we had lost the whole of the Peninsula, except that spot which lay between Cartaxo and Lisbon; in addition to which, we had also sent to Portugal 2,000,000*l.* sterling in bullion. We had, during the whole period we were engaged in the contest, been making retrograde movements, and ruin alone could be the result. He (*Gen. Tarleton*) had never heard any charge whispered against General Moore. He had been sent to a campaign in which no man could be successful. He had acted like a brave, determined, and high-minded officer; and he had sealed his character with his blood. Every thing that surrounded him was covered by distress, and there was nothing at any time to be expected from the enterprize in which he was engaged. As to the question before the House, he was decidedly of opinion that the House should not, in the pre-

sent state of commercial distress, send two millions more to Portugal. He could demonstrate that the Portuguese soldiers could have been had for one-third less than that which was now paid them. He proceeded to shew that the Portuguese troops had never been of any actual service. They had never been what they ought to have been—a manœuvring army such as our local militia would have been with the same training. The present war, if to be carried on in the Peninsula, must be a warfare of finance; could never be attended with any advantage; and the fatal truth must at length be told, that we could not maintain ourselves in that country. The question was not now, how our army was to get away out of Portugal; but, when that should come to be done, he was afraid it would be found to be a difficult matter. Gentlemen opposite agreed that this country must go through the purgatory of invasion; but he was afraid if affairs went on in their present state, they must also encounter the purgatory of a revolution. He (General Tarleton) looked to the matter in a more manly way than those on the other side did. They viewed it in a dastardly point of view. He was for fighting with full numbers; gentlemen opposite seemed to wish to wait till the country had encountered every disaster, and till their means were diminished, and the spirits of their troops broken by defeats in other quarters. On these grounds he was against the grant.

The Resolution was then put, and agreed to without a division. The Report was ordered to be received to-morrow, and the Committee to sit again on Friday.

A message was received from the Lords, stating that they had agreed to the Mutiny Bill without any Amendment.

Also requesting a copy of the Second Report of the Committee on East-India Affairs. To this latter message an answer was returned, stating that the House would return an answer by a messenger of their own.

#### SUPPLY.

*Mr. Lushington* brought up the Report of the Committee of Supply of Friday. The Resolutions relative to the Navy Estimates were agreed to.

On the question of the grant of 1300*l.* to the Poor of the Parish of St. Martin's in the Fields,

*Mr. Whitbread* begged some explanation on the nature of this grant.

*Mr. Wharton* repeated what he had stated on a former night, that this sum was made up of a variety of grants, not to the Parish of St. Martin's alone, but also to the Parish of Ely, of St. James's, of St. Martin's in the West, and to several Schools and Hospitals. The grants were ancient. Some of them he had traced to Charles II. some to Henry VIII. and others he had been unable to trace. These did not strictly form part of the Poor's rate, but went in exoneration of it.

*Mr. Percival* said, the grant in question had been transferred from the Civil List to Parliament, and as such had been ratified by them.

The other Resolutions were agreed to.

#### COMMERCIAL CREDIT.

*The Chancellor of the Exchequer* then moved the Order of the Day for the House going into a Committee on the Bill relating to Commercial Credit.

On the question being put for the Speaker's leaving the Chair,—

*Lord Folkestone* rose, and stated several objections to the measure now proposed. The Committee on Commercial Credit was very different at present from those proposed in 1793. Then only four out of fifteen were commercial men; but now, independent of the greater number of commercial men on the Committee, almost all the others were more or less connected with or dependent on the Minister. The evidence on which the Report was founded was also contradictory. The framers of the Report gave no opinion themselves; they merely adduced the opinion of commercial men; and it was no wonder that smarting under the present distresses, they should conceive relief necessary. He deprecated the idea of disposing of the public money on principles of humanity, however much they might influence private individuals. He confessed that all his knowledge of the subject was derived from the Report; but from that Report he could not help concluding, that the project of granting relief would be ultimately of greater detriment than if it had never been granted. One of the witnesses says, that there is a glut in South America, and that he had always seen a glut succeeded by a brisk market; but did he ever see a former period resembling the present, when all the

ports of Europe were, as it were, hermetically closed against this country? If a chance of their opening was relied on, that was so very small, that it was a bad ground. Another great market was closed against us, the market of North America, which there was no probability would be soon opened. The market of South America is not altogether new to us, for smuggling was formerly carried on to a great extent. But the evidence states, that the goods imported from South America remained in the market, and was one of the causes of the present distress; how then can trade be carried on with South America without importation?

*Mr. Marryatt* said, that he had formerly been of opinion that all relief by issue of Exchequer-bills was impracticable, and he had expressed that opinion at meetings of the Merchants of this City; but on a farther consideration of the subject, he had found reason to alter his opinion; and to conceive that the good resulting from the relief would far outweigh all the disadvantages to which it might give occasion. The noble Lord has over-stated the distress of the country; for all the markets are not at present locked up, and the home market is not diminished; but on account of the quantity of goods on hand, it becomes necessary to give the manufacturer some assistance to enable him to carry on the manufacture of goods for the British market. The market of Martinique and of Guadaloupe, for instance, was not overstocked; but merchants could not export goods there to any advantage, on account of the unproductive nature of the returns. But if North America adopts her Non-Intercourse system, it will be necessary for us to adopt a different system also; for we receive at present from that country cotton, indigo, and tobacco, &c. which we should then draw from our own islands, instead of the unproductive returns which they at present afford. The relief, he said, would prevent the manufacturer from being obliged to make a vital sacrifice of forty or fifty per cent. on the goods in his possession, and thus enable him to produce for the home market. He agreed with the noble Lord in his observation about the Commissioners, that none of them should participate in the issue of Exchequer-bills, and that all the weight possible should be given to the commission from its being totally disinterested.

*Sir John Newport* said, that the market of South America, instead of increasing must diminish, from the convul-

sions and agitations now prevailing in that country. The present Bill, instead of diminishing the evil, would ultimately augment it; for it would give rise to still greater speculations than the past. What was the House about to do? It was about to involve the country in deeper distress, and to visit the faults of those who have indulged in extravagant speculation on those who have not. It was better at once that the manufacturer should return to tilling the ground, than continue in so hopeless a pursuit.

The House then divided.

For going into the Committee	103
Against it	16
Majority	87

On the Gallery being opened, we found the Chancellor of the Exchequer explaining in the Committee the system of warehouses to be adopted. They were to be opened in both parts of the United Kingdom, both Great Britain and Ireland.—He then proceeded to explain the nature of the terms of payment, which were to be 15 days later than the time at which the dividends should come in. He then proceeded to read over the names of the Commissioners, among whom we collected the following: the Lord Mayor, the Hon. W. Lambe, Sir James Shaw, Samson Perry, Esq. Mr. Thornton, Sir Charles Pole, Mr. Pole, Mr. Harris, Mr. Lygon, Mr. Bosanquet, Mr. I. M. Raikes, Mr. Halford, Mr. Smith, Mr. Harrison, Mr. Grant, and Mr. Curwen.

A long conversation then took place between the Chancellor of the Exchequer, Messrs. Tierney, Huskisson, W. Smith, Whitbread, and General Tarleton.

Mr. Tierney moved for the minutes of the evidence before the Committee, omitting the names of individuals.

The Chancellor of the Exchequer objected to their production, as likely to hurt individual feelings.

Motion negatived without a division.

The Report of the Committee was carried, brought up, and ordered for further consideration to-morrow, and to be printed.

The second reading of the Militia Inlistment Bill, after some opposition from Lords Milton and Folkestone, was carried.

The further consideration was then postponed to Thursday.

## HOUSE OF LORDS.

TUESDAY, MARCH 19.

## DEBTOR AND CREDITOR LAW.

*Lord Holland* rose, and said, that as the Lords were summoned for Thursday next, and as there was every expectation of a full attendance on that day, he had risen merely to give notice, that he should, on that day, move that the proceedings and verdict on the unfortunate man who died lately in the Marshalsea prison should be printed. He could anticipate no objection to his motion; his wish was to put the House fairly in possession of the whole of the information produced, as he had done, in the first instance in informing their Lordships of all that he then knew upon the subject.—Adjourned.

## HOUSE OF COMMONS.

TUESDAY, MARCH 19.

## [SPILSBY POOR BILL.]

On the second reading of the Spilby Poor Bill being moved,

*Sir Samuel Romilly* said, that however singular the clauses to be found in Bills of the nature of the present frequently were, there were clauses in the present Bill so unusual as to call in a particular manner for the attention of the House. This Bill enables the Governor and Master of the Spilby Poor-house to punish at pleasure the poor under their charge by solitary confinement, and other most severe punishments, for no other reason but their misbehaving themselves. He then proceeded to read a clause of the Bill, by which, if the poor should be guilty of profane cursing and swearing, disorderly behaviour, or riot and drunkenness, or neglecting or refusing to perform their work, they were to be punished with solitary confinement, abatement of diet, or the stocks, at the discretion of the Governor. This is not the only singular clause. The Bill also empowers the punishing for damaging the house or fences, as for a felony; or petty larceny. What was unexampled in this country, the directors were to have a power of letting out the poor to any person, who, for his 9d. a day, might be disposed to

extract profit from the feeble limbs and worn-out bodies of these unfortunate persons, in something of the same manner as job-negroes are let out in the colonies. What was yet more extraordinary, they were empowered to contract with all the other parishes of the County of Lincoln, the second most extensive county in England, for their poor, who were to be compelled to go into this House of Industry, and be let out and punished in the same manner; so that the Spilsby House of Industry was to be a great mart for the pauper slaves of the county of Lincoln. Now, having seen the severity of this Act, look at the lenity; for, if severe to the paupers, to the officers it was lenity itself. Should the governor, clerk, or any other officer, purloin the work-tools, or any of the other chattels of the house, a crime which is felony by law, the punishment was to be only a fine of three times the amount, or a short confinement. Now, what was the remedy provided by the Bill against any abuse of power? Should any person be wrongfully confined in solitary confinement for a month, or a longer period, (and what a severe punishment solitary confinement must, for such a period, be to a person of an uncultivated mind, it was not necessary to remind the House,) if the poor person so wronged could be fortunate enough to find an attorney in the place willing to undertake his cause, it was in his power to bring an action against such governor, &c.; but the period within which this action could be brought was limited to one month after the offence. Singular as these clauses are, it was by the merest accident that they came to his knowledge, for these things pass through the House without notice or inquiry; and he was solely indebted to a noble friend of his, who pointed out the clauses to him.

*Sir J. Graham*, who moved the second reading, observed, that he was not aware of the existence of any such clauses in the Bill; neither did he think the two honourable members who had taken charge of the Bill knew any thing of their existence. He should move now, that the Bill be read a second time on Monday se'nnight, in order to give the parties interested an opportunity of coming forward to shew upon what grounds they had thought such clauses necessary.

After a few words from *Mr. G. Vansittart* and *Mr. Kenrick*, the Bill was ordered to be read a second time on Monday se'nnight.

## FINANCES OF IRELAND.

*Sir John Newport* rose for the purpose of moving that the House take into consideration the paragraph in the Prince Regent's Speech, respecting the deficiency of last year in the Revenues of Ireland. The manner in which that subject was there adverted to, was, that the revenues of Ireland had been in some degree affected by the commercial difficulties of the country. It could hardly be supposed, from this casual notice of the subject, that the revenue of Ireland was totally unable to meet even the annual charge of its public debt. This, however, was actually the case; nay, the charge of the public debt was even greater than the revenue by no less a sum than 650,000*l*. It was therefore fall time for the House to investigate the causes of this enormous defalcation, and to consider whether it arose from an inadequate and unfair mode of collecting the revenue, together with immoderate deductions for charges of collection, which were totally uncalled for. In considering the subject, he begged leave to call the attention of the House to the great increase of the public debt of Ireland. It would probably excite their surprize to find, when they came to examine it, that it had been nearly trebled within the last 10 years. In 1800, the debt of Ireland was about 30 millions; at present it amounted to no less a sum than 89,750,000*l*; the annual charge on which, for sinking fund, and for interest, was 4,730,000*l*. which was an increase of charge on account of debt of about 3,640,000*l*. Upon examination, it would also be found, that the revenue of 1810 was less by 700,000*l*. than it was in 1807, though in 1810 new taxes were imposed, the estimated amount of which was 900,000*l*. and though the public charge had increased 860,000*l*. These were facts which were undisputed, and unquestionably called for the serious attention of the House. The right honourable gentleman then proceeded to shew, that the calculations on which the Chancellor of the Exchequer for Ireland had formed his estimate of the produce of last year's taxes had entirely failed. The right honourable gentleman had calculated on an increase of 100,000*l*. from the duties on wines; instead of which, they had fallen off no less than 65,000*l*. In the duties on teas, there had been a falling-off from the estimate of 27,000*l*.; and in those on currants and raisins, of 7000*l*.

There was also an addition of 50 per cent. on the window-tax, which might have been supposed to be productive, and yet that tax had fallen off 6000*l*. Neither had the tax on receipts and advertisements at all answered the expectations which were formed of it. The tax on advertisements, in particular, had fallen off 2000*l*. instead of increasing. Even in the distilleries, also, there had been a deficit of no less than 200,000*l*. In the Speech of the Prince Regent, Ministers had thought fit to ascribe all this defalcation to the commercial difficulties under which the country laboured. Now, really, he could not understand how these difficulties could have produced such an effect. The commerce of Ireland principally centered in this country, and had not fallen off during the last year: besides, the duties were principally on articles of internal consumption, and had nothing to do with foreign commerce. Other causes, therefore, must be sought for; and in his opinion, the defalcations arose from that system of over-taxation which was adopted last year, and which Ireland was not in a capacity to bear. The system of over-taxation was like pouring in one drop more than sufficient, which made the vessel overflow; and you lost much more than you thought to have gained. When a commodity was over-taxed, then individuals discontinued the article altogether; and you lost, not only your estimated produce, but even the produce of the preceding tax. These were some of the grounds on which he was disposed to account for the deficiencies. The honourable Baronet then entered into a statement of the financial measures which he had adopted in 1807, comparing them with those which had since been pursued, and arguing that the former had been much more productive than the latter. He also argued, that the existing deficiencies were partly owing to the increased deductions arising from an increase of charges in the collection of the revenue. The expences attending the collection and management of the revenue had greatly increased. In 1807 these amounted to 487,000*l*. and at present they had risen 720,000*l*. Some of the charges under this head appeared to him most extraordinary; for instance, clerks in public offices were paid *extra* for copying papers which it was their ordinary duty to do; and above all, superannuations had been granted to revenue officers in many instances without necessity, and they were suffered to retain their full salaries, as if still in the service of the public. Enormous deductions and

charges had been also made on account of buildings; and no less a sum than 100,000*l.* had been spent in the formation of new docks at the Dublin Custom-house. In this country such docks had always been established by companies, and not by Government, on the plain principle, that if they afforded accommodation, the merchants would be ready to pay for it. He would also notice one charge in the Irish Custom-house, and that was, 19,000*l.* for printing and stationery for the year 1808. Now, in the English Custom-house for the same year, the charge was only 18,000*l.* and certainly there could be no comparison between the magnitude of the business done at the two offices. He would also advert to another defalcation, and that was, in the duty on leather. That tax in 1799 produced 50,000*l.* and in 1810 its produce was no more than 41,000*l.* Now, certainly, the population of Ireland had increased within the last 10 years, and there must be more people to wear shoes now than did then. Whence, then, did the deficiency arise? It could only be accounted for, from an increase of frauds, and a decrease of vigilance on the part of the Revenue Officers. He was far from wishing the House to form any hasty opinion on the subject which he had now brought under their consideration. On the contrary, he wished the statements he had made to be fully investigated, and that gentlemen opposite might also submit their counter-statements. He hoped, therefore, that the House would allow the Resolutions which he should move, to be printed, and at the same time to appoint a future day for their full discussion. The right honourable gentleman concluded with moving three Resolutions, which comprised the principal points contained in his speech; and the first of which was, "That the funded debt of Ireland had been nearly trebled within the last ten years."

*Mr. Foster* rose in reply. He begged leave to say, that the Resolutions proposed by the right honourable gentleman were not such as he could approve of. Neither was this the proper time for submitting them to the House, because there was not one paper yet laid on their table which could either shew the accuracy of their statements, or disprove them. In such a state, without one paper before them, to enter upon the finances of Ireland was quite irregular, and any man must think him very weak indeed if it had his concurrence. On the ground, then, of the absence of information, he should oppose the Resolutions. He then took

a view of the produce of the Irish revenue for the last year, and contended, that it was under-stated in the Resolutions by at least 200,000*l*. The sum had arisen from the extraordinary resources of the year, which the right honourable gentleman had wholly overlooked. He must contend, that the Irish revenue had produced 3,800,000*l*. instead of 3,600,000*l*. which was the sum stated in the Resolutions. However, he would not dwell on this minor difference; for he was free to acknowledge, that the financial situation of Ireland was such as to require all the attention and ability that could be applied to it. It was confessedly a situation in which the revenue was unequal to the annual charge of the debt. This was a state which it ought not to be in; and it certainly became the House to consider why the taxes were so deficient, and in what way the deficiency could be remedied. With regard to the comparison of Administrations, which the right honourable gentleman had thought fit to make, he would not say one word, but leave the public to form their own opinion upon that head. When he (Mr. Foster) was in office in 1804, his object was to raise the revenue so as to cover the charge of the debt, and to produce as much beyond it as possible. From that period the revenue did actually begin to rise, and in the year before last the rise had been very rapid indeed. On the other hand, it unquestionably fell rapidly last year: but if any average of four years was to be taken, which was the fair way of considering the matter, then the average revenue would be found not to be less than four millions and a half, which was considerably more than the charge of the debt. One cause of the fall in the revenue, he attributed to this, that the excise on spirits had operated but for a short time last year. But if the usual consumption of spirits went on in Ireland, and effectual means were found for putting down the clandestine distilleries, the country might look to a revenue, not only equal to the charge of the debt, but leaving a surplus of two millions a year for the current expenditure. The sum he wanted to raise was six millions and a half for the charge of the debt, and for the current expenses of the year. He would say, that taking into account the consumption of spirits in Ireland, when the distillery in that country was brought up to nearly the same rate of duties that it was in this, and when the accuracy of collection was brought to be on a level with that which took place in the British distil-

leries, a very considerable rise might be expected. At present only about six millions of gallons paid the duty in Ireland. At a moderate calculation there were eight millions of gallons of illicit distillation, which paid no duty; and these at a duty of 7s. 6d per gallon, which was less than the British duty, would produce a sum of three millions a year. He really did not think that the object of the right honourable gentleman's motion was to harass the Irish Government; and he, therefore, sincerely asked his advice, concurrence, and assistance, in every thing that could benefit the revenue of that country. He was ready to go hand in hand with him in every measure which could have that effect; but he must oppose the Resolutions, as giving a colour to many facts which they would not be found to bear, and as being premature from there being no papers before the House. He should think it much better for the right honourable gentleman to withdraw his Resolutions, and wait till some inquiry should be proceeded in. Mr. Foster then entered into a variety of minute calculations on the produce of different taxes imposed last year. He wished particularly to correct the mis-statements that had gone abroad on the subject of the window-tax. That tax did not affect Houses having fewer than seven windows, and therefore fell very lightly on the lower classes of society, who in general were not so well housed as in England. The deficiency in the advertising tax had been complained of by the honourable Baronet. What was the reason of this deficiency? Why, the moment the tax was imposed, the proprietors of all the papers cried out, "Bring us no more of your advertisements, the tax has ruined us;" and thus, that the tax might prove unproductive, these men vilified their own profession. The tax was, however, now becoming more productive. With respect to the tax on bills and notes, it had fully answered every expectation. The Bank, which had compounded with the Treasury for this tax, for the sum of five hundred pounds annually, now made an offer of two thousand pounds more. The failure of the wine-duty was imputed to the state of the country which produced the wine, and also to the failure of commercial credit. That failure was also the sole reason for the fall of the tax on tea: Ireland was not able to get the accustomed credit; and this, and not the duty, occasioned the deficiency in the consumption of tea. Any defalcation, however, in the revenue, arose entirely from the imports, for-

the exports were still undiminished. Let affairs, however, appear as they might at the present moment, the resources of the country remained undiminished; and any fall of the revenue which had taken place, was rather a symptom that Ireland chose to keep her money to herself, than a proof that she had not the means of expenditure. Taking, however, the general comparative average of the exports of England and Ireland since the year 1800, Ireland had considerably risen upon this country. It was true that in the last year the imports in Ireland had failed, and therefore the present cry had been raised. Ireland was gradually increasing in resources; but when the present situation of the empire was considered, the wonder that she could not keep pace with its expences would cease. We must nurse the resources of an infant country, and not nip them in the bud; and by this means we should the better enable it to meet future emergencies. He was aware of the great length into which his statement had been drawn, but he was compelled to it by the statement of the honourable Baronet, as he was determined no longer to allow any accusations to go forth uncontradicted or without explanation. The honourable Baronet had referred to the Excise salaries; if he did not like them, why did he himself bring in a Bill for the purpose? In fact, the present Excise collection, which gave such general satisfaction, had been planned by himself, and afterwards adopted by the honourable Baronet when he came into office. Did the honourable Baronet object to the abolition of fees? No. When they were abolished, did he object to the proposed grant of compensation to the officers? No; he did not make the slightest opposition to the proposal at the time it was made, and therefore he had no right at present to complain of that in which he had formerly acquiesced. The right honourable gentleman then went into a defence of the warehousing system, and a denial of the alleged deficiency in the Leather Tax. He wished to shun no investigation. On the contrary, he was rejoiced that the question had been now fully brought forward: he was ready to meet it fairly, and would, with all his heart, go hand in hand into an inquiry concerning the financial situation of Ireland.

Lord Castlereagh thought, that this was a most interesting question, not only to Ireland, but to the kingdom in general; nothing but the joint exertions of both sides of the House could put the finance of Ireland on a satisfactory

footing. The question ought to be fully and fairly canvassed; and he was glad to hear that the right honourable gentleman intended to bring it forward in a shape intelligible to their understandings. The great difference between the raising of the English and Irish revenue was, that the one was raised chiefly on property, the other on consumption. If Ireland went on increasing her debt in the manner which she had done, she must find herself in the end in financial difficulty. He was glad to hear that inquiry into the finances of Ireland was now to be encouraged, as he felt a natural interest in a country where he had spent most of his life, and in which his fortune and his affections were wound up.

*Mr. Parnell* had hoped that the noble Lord had risen to tell the House, that the ratio of contribution which he had given the Irish Parliament by way of a boon, had been falsely calculated, and turned out rather a burthen than a benefit. Ireland was now proceeding with a revenue of about four millions and a half, and an expenditure of about eleven millions, a great part of which expenditure consisted in the interest of loans borrowed since the Union. Since Ireland was to be taxed on the same principle with England, she ought to be governed on the same principle. The only ground on which England could expect Ireland to share in the burthen was, that she ought also to share in the benefits.

*Mr. May* wished a Committee might be appointed to convince the people of Ireland that the House was in earnest: from such an investigation he augured much benefit, and if that was conceded to, he hoped the honourable Baronet would withdraw his motion.

*The Chancellor of the Exchequer* said, the House being seemingly agreed on all hands that the subject was of such importance as without loss of time to require investigation, he hoped the right honourable Baronet would withdraw his resolutions for the present, as the information now before the House was not such as to allow the subject to go before the public, and to give alarm without being accompanied by documents which would give an explanation of the real causes of the defalcation in the revenue. He thought the proposition of *Mr. Foster* very fair, of instituting an inquiry as soon as the assizes in Ireland were over, which would give a full attendance of Members from that country. He hoped, therefore, the right honourable Baronet would with-

draw his resolutions under these circumstances, rather than put them to the necessity of meeting them with the previous question.

*Mr. Bankes* said, a matter of greater importance, or one which deserved more serious consideration, could not exist. He thought inquiry necessary, and that it could not be too soon entertained. He took a comprehensive view of the Irish revenue, and pointedly condemned the rate of collection as amounting almost to the revenue itself. He hoped, as soon as the Irish Members could be collected, no time would be lost in appointing a Committee, and that the right honourable Baronet would not suffer it to be put off till the Ways and Means, and Supplies, were over; for if he did, they might take leave of the subject till another Session. He thought the right honourable Baronet deserved great praise for now bringing it forward. He did not take his materials from vague ideas of his own, or of other people, but from papers on the table, from which he had selected the facts, and these must be grounded on authority. He hoped, however, the right honourable Baronet would, under present circumstances, consent to withdraw his resolutions.

*Mr. Foster*, in explanation, said, that the moment this motion was disposed of, he would give notice of the day on which he would bring forward a motion for an inquiry into the subject.

*Mr. Ponsonby* said, that all circumstances considered, he thought it would be more advisable for his right honourable friend to withdraw his resolutions; but in so doing, he would advise him to move immediately for a day to take the subject into consideration. He thought it should not, on any account, be deferred beyond the latter end of this or the beginning of next month. He hoped he had as much respect for the Irish representation as any man in the House; but with all that respect, he would wish to see the Committee composed of a majority of British rather than of Irish Members, for whose attendance he saw no occasion to wait. If the appointment of the Committee did not very soon take place, it would either go too late into the Session to do any good, or the Session must be protracted for the purpose of attending to that subject alone. He hoped, therefore, his right honourable friend would immediately move for an early day; and that in naming the Committee,

he would not attend so much to Irish Members, as to the selecting such British Members as would be most likely to give their attendance, and whose talents and pursuits seemed to his right honourable friend to render them most likely to probe the business to the utmost depth.

*Mr. W. Smith* spoke in favour of the resolutions being withdrawn; but hoped the House would, without further delay, proceed to the appointment of a Committee.

*Lord Castlereagh* explained.

*Sir J. Newport* said, as it seemed to be the general wish of the House, that the business should be investigated in the fullest, fairest, and most satisfactory manner, he would, with the leave of the House, withdraw his resolutions, on condition of being allowed to move immediately for a Committee. He saw no occasion to wait for the Irish Members; for if it were not done immediately, it would go off to another Session, and would be lost for one year more. He concluded by moving,

“That the several accounts and other papers presented to the House this Session, relating to the Public Income and Expenditure of Ireland, be referred to a select Committee; and that the said Committee be directed to examine and state the same, with their opinion, to the House.”

*Mr. Secretary Ryder* said, that the right honourable Baronet had not at the commencement of his speech hinted the appointment of a Committee, and therefore he did not conceive that he was entitled by the rules of the House to choose a Committee. That choice should rather be with the right honourable gentleman who suggested it.

*Mr. May* thought it of little consequence from what side of the House the Committee was named. He was sure they would discharge the duty for which they were appointed.

*The Chancellor of the Exchequer* said, he should give his negative to such a nomination of the Committee.

*Mr. Shaw* thought the Committee ought to be appointed without loss of time, and that it would occasion too much delay to wait for Irish Members coming from their Assizes.

*Mr. Foster* said, that all parties were agreed on entering into the inquiry without delay; but as he had told many of the Irish Members that no important Irish business would come on till after the recess, he thought it but fair to wait

till their return from the Assizes, which would probably be about the 2d of April; on which day he would wish to move for the appointment of a Committee.

*Sir John Newport* stated the names of the Members he had intended to propose for this Committee. Among which were the Chancellor of the Exchequer, Mr. Foster, Mr. Ponsonby, Lord Castlereagh, Messrs. Vansittart, Bankes, and Wm. Smith.

The House divided on the motion of *Sir John Newport*.

Ayes	.	.	.	.	.	.	44
Noes	.	.	.	.	.	.	71
Majority against it							—27

## PRINTERS.

*Mr. H. Martin* rose, pursuant to notice, to move for leave to bring in a Bill to explain and amend the Act of the 39th year of the King, with respect to certain penalties to which all Printers and Publishers had been made liable in the cases therein mentioned. It was to be recollected, that the Act in question had passed at a time that the public mind had been much agitated by certain political societies. The object of the Legislature in the enactments was to provide a remedy against the sale and circulation of seditious publications coming from those societies. The Act was made in a moment of heat; and a general stigma appeared to be thrown on all printers, as if they were all to be suspected of wishing to disseminate sedition. The remedy thought of against the evil was, to require every printed book or paper whatever that was distributed, to have the name and abode of the printer stated thereon, under a penalty to the printer and to the publisher of 20*l.* for every copy that should be published without it. The magistrates, on conviction, were imperatively bound to inflict the whole penalty, and there was no appeal from a single magistrate to the quarter-sessions. In consequence of this highly penal statute, many individuals had been convicted in enormous penalties for the most trifling omission. He should state a few cases of peculiar hardship, to show what dreadful penalties might be incurred with the most innocent intention. Penalties to the amount of 100,000*l.* had been sued for under the following circumstances:—A person, who wished to entrap the printers into a breach of the law, went round to several of them, and stated that he had an

Elzivir edition of Cicero, which only wanted a title-page to be perfect. This man prevailed on many of them to print this title-page without putting their names and abodes (which would have made the edition suspected); and having prevailed on them to do so, he sued them for penalties to the amount of 100,000*l.*; but the Magistrate, in this instance, refused to convict, although the law was imperative. Another printer, who lived in Paternoster-row, had incurred penalties to the amount of 20,000*l.* for having omitted the word London on a paper printed as a proposal for a new set of military drawings. A printer at Southampton, of the name of Cunningham, had actually been convicted in penalties to the amount of 20,000*l.* for a hand-bill printed at his office in his absence, without his name to it. The hand-bill was only an address of the bakers to the inhabitants, stating the expence of flour and baking. It was most evident that those cases, and many others of the same description, were cases of the greatest individual hardship, and that it was not to such publications that the law was intended to apply. He must also state, that the printers and publishers of any libel contained in a hand-bill were exposed to indictment, as well as penalty, on every copy; whereas the printers of a libel in newspapers were only liable to one indictment for the whole impression. After a few additional observations, he moved for leave to bring in his Bill.

*Lord Folkestone* seconded the motion, and at the same time informed the House, that on account of the lateness of the hour, he wished to postpone his motion till Thursday.

*The Chancellor of the Exchequer* said, that the honourable gentleman (Mr. Martin) had certainly stated a case which was deserving of serious consideration, and he should therefore not oppose his motion. At the same time, he thought that it was rather hard upon the Legislature, that when they pass Acts for regulating any particular trade, the persons in that trade should show so much inattention and inadvertence as to incur such heavy penalties, which by common care and diligence they might have avoided.

*Mr. H. Smith* said, that it was not printers alone, but he believed almost all the Members of that House were subject, under this Act, to penalties greater than they could pay. Whoever was in the habit of issuing printed receipts

for their rent, had probably incurred greater penalties than his manors and estates were worth. The words of the Act expressly stated every printed paper.

After a few observations from *Mr. D. Giddy*, and *Mr. W. Smith*, leave was given to bring in the Bill.

#### EX-OFFICIO INFORMATIONS.

*Lord Folkestone* said, that after some conversation with the gentlemen near him, he found that Thursday would be an inconvenient day to bring forward his motion, as the Solicitor-General could not be then present. If the gentlemen on the other side would depart from their rule in one instance, and let his notice have precedence of the orders of the day on Friday, he would wish to fix that day.

*The Chancellor of the Exchequer* said, that he could not consent, as the Commercial Credit Bill was fixed for that day, which (whatever the noble Lord might think) he thought fully as important.

After some conversation, the motion was finally fixed for Thursday se'nnight.

*Mr. Shaw*, of Dublin, moved for leave to bring in a Bill, to extend to Ireland, so much of the Embezzlement Act as related to the protection of masters from the frauds of servants.

After some observations from *Sir S. Romilly* and the *Attorney General*, *Mr. Shaw* withdrew his motion, in the view that the present Act, amended, should extend to Ireland.

The Report of the Committee of Supply was received. The other orders of the day were then disposed of, and the House adjourned to Thursday.

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### HOUSE OF LORDS.

THURSDAY, MARCH 21.

#### BANBURY PEERAGE.

The House met at two o'clock, according to adjournment, on the Banbury Peerage cause. The Earl of Radnor delivered his opinion, which was not favourable to the claimant. Lord Redesdale then spoke at great length on the same side, until five o'clock; when, upon the motion of the Lord Chancellor, the farther discussion of the subject was adjourned till Monday next.

The Dublin Coal Bill, the Irish Sugar Exportation Bill, the Dublin City Improvement Bill, the Linen and Yarn Trade Bill, and the Sugar Bounty Bill, were brought up from the Commons, and read the first time.

#### REVERSION BILL.

*Earl Grosvenor* moved to discharge the order respecting the Reversion Bill, which was agreed to. The noble Earl then moved that the Bill be read the second time on Monday se'nnight; agreed to. His Lordship then moved that the Lords be summoned for that day; agreed to.

#### LIBERTY OF CONSCIENCE.

*Earl Stanhope* said, that having on a former occasion, in stages of the Mutiny Bill, been told on one hand that he had laid no grounds for his clause; and having, afterwards, when he had produced his facts, been told that what he wished to be done would be done much better by a statute, he had accordingly framed a Bill on the subject, which he should then present. His Bill was entitled, as the nature of the subject demanded, "a Bill for the better security of the Liberty of Conscience." He should lay it on the table, and he took it for granted that it would be read the first time. He accordingly presented the Bill.

*The Earl of Liverpool* said, that on former occasions, some remarks had been made, in consequence of some noble Lord having thought that it was a matter of course, and of right, that when a peer presented a Bill it should be read the first time. But it appeared that there was no right of that sort, and that there was no stage of proceedings on a Bill which might not occasion discussion. He mentioned this not from any intention at present to oppose the first reading of the Bill.

*Lord Grenville* made a few remarks on the subject. His Lordship thought the practice of the House to be in favour of the reading of a Bill presented by a peer the first time, though there might be cases of a peculiar nature in which an opposition might be offered.

*Lord Holland* observed, that, as there did not appear an intention to oppose the first reading, it was not necessary to enter further into the subject.

The Bill was ordered to lie on the table, and was read the first time.

## DEBTOR AND CREDITOR LAW.

*Lord Holland* rose, and moved, agreeably to his notice for the printing of the proceedings and verdict in the case of the unfortunate man who died in the Marshalsea Jail. His Lordship observed, that this was a case of a very important nature: for nothing, he was sure, could be more revolting to the feelings of Englishmen, than the unnecessary sufferings, and particularly the death, of an unhappy individual in a prison, from the deprivation of the means of supporting existence. The state of the prisons of the country was a subject at all times deserving consideration. He meant to impute no blame to any officer of the Marshalsea Court; and he believed that Mr. Jenkins, who lived at the prison, was free from any imputation. He had been, since he last addressed their Lordships on the subject, to see this prison, and he considered it to be quite unfit for its purposes. There were not in it separate accommodations, which were proper to be had in such places, for persons simply confined as debtors, and those who were imprisoned for offences of a criminal description. Possibly the printing of the proceedings, might not give all the materials that he wished the House and the public to be in possession of; and therefore it was desirable that the Jury should be permitted to state what was wanting to supply the facts and circumstances of the case. He said this, not to cast reflections; though he admitted, that on a view of the transaction, he did not think that he, had he been on that Jury, would have concurred in the verdict given. He had in view, in bringing forward this matter, to make it bear on the consideration of the important Bill before the House. In making his motion for the printing, he had to observe, that he should have moved for a Committee of their Lordships to inquire into the state of this particular prison, and afterwards to report on the propriety of erecting a new and more proper one, had he not been informed that progress was making to that effect.

*The Earl of Aylesford* (Lord Steward of the Household) admitted, that the state of the prison was to be lamented; but added, that a new prison, properly adapted for the purpose, was building, and he believed would not be long in completion. He had no objection to a Committee for inquiring into the matter.

*Lord Ellenborough* observed, that it would be quite irregular to call on jurors for any evidence; the witnesses in the case might be re-examined.

The motion for printing was ordered.

*Lord Holland* then moved for a Committee to examine matters touching the case of the man who died in the prison. Agreed to, *nem. diss.*

## DOLLARS.

*Lord Grenville* rose, and noticed the rise in value of the denomination of dollars which had been made by the Directors of the Bank; a measure which confounded the notions he had entertained of the Constitution of this country. That measure, he understood, was sanctioned by the King's Ministers, with the authority of the Priy Council, without saying a word to Parliament on so important a subject. So sanctioned, it might, therefore, be considered that Ministers were the authors it. He was aware of a wretched quibble that might be used, as to the distinction between dollars and the current coin of the realm; but the subject was of far too much importance to be passed over. He therefore moved for copies of the notices, &c. on this subject.

*Earl Bathurst* said, that there was a considerable distinction between the Bank tokens and the current coin of the realm. The high price of silver, from whatever cause arising, had rendered the measure advisable; and Ministers were perfectly ready to take upon themselves the responsibility of the transaction.

*The Earl of Lauderdale* contended for Lord Grenville's motion, and justified his opinion on the subject by referring to the period of King William, the reasoning of Mr. Locke, and all our history on this subject.

*Lord Grenville* explained. After what had fallen from his noble friend (Earl Bathurst), his charge was against the King's Ministers.

*Earl Bathurst* explained. Dollars, he said, were not a legal tender, and had been at the option of those who took them.

*Lord Ellenborough* said, that it was the Courts of law that must decide what was or was not a legal tender. Certainly the dollars issued by the Bank were not so.

*Earl Bathurst* again explained.

*The Earl of Ross* argued in favour of the measure from

some similar proceedings which had been found necessary in Ireland, owing to an apparent scarcity of gold.

*The Earl of Lauderdale* replied to the last noble speaker.

*Earl Stanhope* thanked Lord Grenville for his motion, and said that there was another serious constitutional view of the subject. What could prevent Ministers, if so disposed, in such a transaction as this, from the most foul and infernal corruption in the way of corrupt influence, by informing their friends of the measures they were about to adopt or sanction?

The papers were ordered.

*Lord Grenville* then moved for an Address to the Prince-Regent, for copies of all the correspondence that had taken place between the Government and the Governor and Company of the Bank of England, relative to this business; which, after a few words from Earl Bathurst, was likewise agreed to.

#### AID TO PORTUGAL.

*The Marquis of Wellesley* moved the order of the day on the Prince Regent's Message.

The Message of his Royal Highness was then read by the Clerk.

*The Marquis Wellesley* then rose, and said, that in the observations which he should feel it his duty to offer to their Lordships on the subject of his royal highness the Prince Regent's message to Parliament, he should not enter into any general grounds, but should rest upon public facts, upon the wisdom and upon the true policy of the measure he should propose. He thought that it would be disrespectful to the House, to harbour a doubt of their disposition to grant that aid to Portugal which the Prince Regent's message expressed his hopes that he should receive for that object. He could not imagine that in this emergency—in this great crisis of the fortunes of our ancient and faithful ally—in the plenitude of exertions she was making—their Lordships would interpose any check to the giving the full benefit of the effect of those great exertions in the cause of the independence of Portugal, against the usurpation and oppression of the common enemy, which they had already encouraged and supported. The object of the message of the Prince Regent rested not upon any speculation concerning what *might* arise, but upon the solid ground of experience; on this plain reason, that the aid we had already

afforded, so far from having produced any of those bad consequences which some had predicted, had actually produced great beneficial effects, not merely as far as it concerned the immediate application of that aid, but as it had aroused and stimulated Portugal to far greater exertions than that country had ever made before, upon any occasion; exertions which were unparalleled by any nation of the same extent. The results of our aid had been seen gradually, but, under all the circumstances, had shewn themselves in astonishing rapidity: from small beginnings indeed, in the first instance, these great results had been produced under the auspices of this country, and especially by the care and skill of those valiant and excellent officers, whom we had sent into Portugal to animate the courage and to discipline the habits of that people. By our means, corps had been raised and embodied with a degree of skill and discipline scarcely exceeded, and in a time so much shorter than could have been expected. Their Lordships were called upon to see the result of the measures already taken, not only as it applied to the army sent to Portugal, but as it applied to the whole system of measures for the defence of that country: not merely to those Portuguese soldiers who now formed regular troops in our pay—the partners in our glories—the partners in the prudence and discipline, and skill and courage, of the British army under that great Commander who had the general direction of the whole; but also to all those other numerous advantages which flowed to the military service from the general system which had been adopted and continued. In this latter view of the subject, their Lordships had to look, not merely at the militia that had been raised—that powerful arm of military service—but also at the numbers of armed peasantry, which might be called the armed mass of the people. (*Hear!*) The result had proved and manifested that which he had never heard doubted but in that House, that we had created a most efficient and formidable regular force, aided by a great irregular force. There was, then, a great regular force to act against the enemy's army, with the immense advantages to be derived from so numerous an irregular one, mutually to assist each other, and to co-operate or concentrate as the exigencies of the case might require. He mentioned this the more particularly, that it might be considered how much the formation of a great regular force had given the means and facilities to the formation of the irregular

force of the peasantry of the country. What had been the practical effect of this system? He had met with nobody that could deny that it had defended and maintained that country against a most powerful French army. It was impossible to deny that every branch of the service had not greatly contributed to this desirable object. Upon all ancient principles in our public conduct, upon all the sacred principles of public faith, upon all grounds of wise and just policy, we had viewed Portugal as the ally of this country. In all our views of that nation, we had so regarded it; none had ever doubted of the importance of the alliance; all had thought that great effects might result from it. One condition only was stated, namely, that Portugal herself should make all the exertions in her power in her own defence. This, at the present moment, she was doing in a way, and to an extent, unparalleled in her history. (*Hear!*) This was the practical result of our operations, which were most important, also, in other points of view. He would not enter into other topics; but he thought that nobody could deny that our defence of Portugal was most important to the interests of the whole of the Peninsula. Farther on that particular branch of the subject he should then decline to enter, though he was not indisposed to do so: but let any one see how great an object it would become, should some favourable event take place in Spain, and the effect it must then have on the next campaign. (*Hear! hear!*) Would not their Lordships, under these circumstances, continue their aid, already so beneficially applied; or would they now, with a rash—(he would not wish to use too strong an expression)—but would they, with an untimely hand, come down that night and declare, that they would intercept the progress, that they would stop the course and track of their success, by withholding those supplies which were necessary to their continuance? The question now before them was, not whether they were to excite assistance in Portugal to the common cause—whether they were to begin to arouse the slumbering energies of a base and a depraved nation: it was not so; but it was, whether or no we should avail ourselves of those efforts and energies which were actually in existence—whether we should damp the spirit of resistance, and destroy the flame of independence; or feed its growing strength, and allow it its full and natural course. We were not called upon now by acts of incitement to raise that nation, but to continue those efforts which

had been so successful already. Would we deprive ourselves and that country of the great advantages already gained? He wished to keep clear of questions on which there might and must be many opportunities of discussion: but omitting them, he should say, that every maxim of faith, of wisdom, of experience from all history, every just view of the means of prosecuting the great contest in which we were necessarily engaged, must induce their Lordships to concur in the motion he was about to have the honour of submitting to them. One other topic he should presume to touch upon. His royal highness the Prince Regent had, as their Lordships well knew, declared his earnest desire to deliver back into the hands of his Royal Father, as speedily as possible, the whole state of the public affairs unimpaired. Would any of their Lordships wish now to deprive his Royal Highness of the means of restoring, in an unimpaired state, that branch of the public service which was of such high importance to the real honour, to the true interests, and to the solid glory of the country? He should not trespass farther upon their attention; but should conclude by moving an Address to the Prince Regent in answer to his gracious Message. (Similar to that moved and passed in the Commons.)

*Lord Grenville* said, that one of the topics which his noble Friend had adopted in the course of his speech, was of a nature so singular, that he was at a loss in what manner to treat it. That topic was, the propriety of following the same system with regard to Portugal which was acted on previous to his Majesty's illness, that no alteration might be experienced on his expected recovery. He certainly did feel that their Lordships stood in a peculiar and unexampled situation; one which, though it did not admit of any relaxation of duty on their part, yet infused doubts as to the manner of discharging it. It was too notorious, that in consequence of the calamity which had fallen upon his Majesty, and the measures adopted in consequence, the constitutional relations between the Crown and Parliament, and between Ministers and Parliament, were in some degree suspended. But he had no idea that on this account, the functions of Parliament were to be suspended also; or that it was not their Lordships duty to consider, what was the actual situation of the country, and what its future prospects;—he had no idea, in fine, that it was their sole duty to look back to what was the state of the country on the 25th of October last, and only to keep it in

that situation, till the period of his Majesty's recovery and resumption of authority. He did feel, however, even after all the glories and triumphs which we were supposed to have gained since the 25th of October, that our situation was still disastrous; that the wheels of that tremendous revolution which had overwhelmed the Continent were still rolling on with uninterrupted career: and he should be happy, if Ministers could again deliver up the country into the hands of his Majesty, in the same state in which it was at the before-mentioned period. Ministers had neither stopped the wheels of revolution, nor arrested the progress of national calamity; which he could not but consider as hastening on with accelerated strides; and he must say, that a more disastrous proposition could not be made to that House, than that the Prince Regent should not look to the principle of administering the affairs of the country, so as to promote the best advantages of his subjects, according to his oath; but should act upon those cold and narrow views as if it was his only duty that our affairs should be so administered as to leave them in the same state, and conducted upon the same system, in which he found them. Confident he was, that his Royal Highness never viewed the trust that was committed to him this light; and their Lordships were also bound to consider in what manner by their counsels they could best promote the interests of their fellow-subjects, unfettered by any system, and conscious that thus they would best promote the glory and happiness of the King. At present he would not enter upon any large discussion of our foreign policy; and the opinions which he was about to deliver should rest only on his views of the actual situation of this country. Their Lordships would observe, that no explanation whatever had been given of the amount of the assistance that was proposed to be given to Portugal. This was a remarkable circumstance, and he never recollected a similar omission on any former occasion. It was the more remarkable, as the whole question seemed to be argued as if it was meant to propose nothing more than the sum that had been given last year. He should have concluded from the speech of the noble Lord, that nothing more was proposed than a renewal of the vote of the former session, which was one million sterling, in order to keep up the same force in Portugal. Could it be conceived from the noble Lord's speech, that it was now proposed to double that sum? Or was this grant

to be considered so much of a matter of course, that the amount of it was not worth specifying? The real question for the consideration of the House was, whether the situation and circumstances of this country were such as to make it prudent and politic to expend two millions for the maintenance of the Portuguese forces. Neither had any information been given as to the mode of its application. Last year an estimate, however imperfect, had been made on that subject; but now nothing was said of it; and the House remained ignorant, whether it was to be expended in the formation and maintenance of an additional force, or whether it was to be applied to the Civil Government of Portugal. On all these subjects the House was left utterly in the dark. He had no hesitation in declaring it to be his conviction, that on the system now acted upon by Ministers, their Lordships, by sanctioning this Resolution, would go on rapidly accumulating the already overwhelming expenditure of the country, and would accelerate that ruin which was fast approaching. What he objected to was, the whole system of policy pursued by Ministers. He must contend, that the situation of the Continent was such, that unless we had some hopes of great military efforts arising to our assistance, it was quite impossible for this country alone to arrest the progress of that Power who at present possessed the military control of the greater part of Europe. He wished here, however, to guard himself against any misrepresentation of what he had said. It had been at all times the policy, and never could be but most desirable for this country to contribute its utmost efforts to preserve or restore the independence of the Continent. He trusted that a time might come, when this country might interfere with effect in setting bounds to that tyranny by which Europe was oppressed. But, then, it must be recollected, that its power and resources were essentially and principally maritime, and that it could never interfere with effect without the co-operation of some great military power on the Continent. The system at present pursued required exertions greater than could be continued till that period arrived when England might co-operate with effect. Nothing, certainly, could be more desirable, either on principles of policy, or from the natural dictates of every mind that had the least love of freedom, than that Spain should be delivered from the yoke of France. Would to God there was any hope or prospect of a deliverance so glorious,

and no man would be more willing than he was to make every sacrifice for the attainment of so great an object. The same might be said as to the importance of the independence of Portugal. It was not necessary to remind the House of the existence of our ancient alliance with that country : England had a manifest interest in supporting its independence ; and the common feelings of all mankind dictated hatred to its oppressor. " But then," said his Lordship, " in managing the affairs of a great nation, you must not only consult what is your interest, and what are your wishes, but also consider this most material point, whether your efforts are likely to be successful, and whether in misapplying those efforts by premature or ill-timed exertion, you may not only fail of accomplishing your object, but even weaken your means of defence, and of interference at some more fortunate opportunity." He would therefore once more call upon the House to consider well the prospects of the country, to husband its resources for the more noble object of effecting that which in his mind their present efforts were unable to accomplish. He would intreat them to reflect on the great and irreparable losses which had been sustained in the attempts to support the cause of Spain. Let them look, also, at the state of Portugal. They were told, indeed, that up to this moment the enemy had not been able to achieve the conquest of that country. But what was the fact ? Why, the British army occupied a ground that was completely circumscribed by the enemy ; and the noble Lord had not expressed a hope, that with even this additional enormous sacrifice, Portugal would be defended, or that even the small slip of territory that was occupied by the army would be successfully maintained. If it was in our power to defend Portugal, most gladly would he do it ; but the system that was now pursued, while it in no degree promoted the interests of that country, created an enormous drain on the resources of this, which might eventually unfit it for future exertions and a future struggle. On the efforts made by Portugal herself, he should say nothing. He was the last man who would wish to detract from the merit of men who were armed in their country's cause ; God forbid, that any such sentiment should drop from his lips ! It was the doctrine he had long held, that the combination of an irregular force with regular troops, was the mode best adapted for the defence of a country. But the question he wished to discuss was of a much higher na-

ture ; it was, whether there existed any rational prospect of producing any advantage to the public in this country adequate to the burdens which the system created. This was a question which deserved attention even at periods of the greatest prosperity: "but now," said his Lordship, "you are much more bound to pause upon it, when you reflect what are the circumstances and situation of your own country. I have no wish to add to those alarms which are so generally diffused, or to aggravate those fears which begin to be entertained, with regard to the financial difficulties of the country ; but that man's mind must be strangely constructed indeed, who could shut his eyes on the financial difficulties and embarrassments which every day press upon us." He looked upon the proposition as extremely ill-timed in the present period of the Session. He did not know of any instance of a subsidy being proposed before Parliament had made provision for home services. It was the constant practice to provide for the army and navy, and settle the finances of the country, before any idea was entertained of making such grants as the present for the service of foreign troops. This was the former practice ; and it was one of great advantage to the public service, because it enabled the Legislature to hold a just balance between the sacrifices to be made, and the exertions required, between the revenue and the expenditure of the country. Why should this measure be brought forward until it should be ascertained what resources the country possessed for its own defence and the defence of its commerce—at least if Ministers meant to leave any commerce to defend ? All that was yet known was, that Parliament had been told that the revenue of the empire had lately fallen off, that some financial difficulties had arisen in Ireland. It was said, indeed, that the revenue of this country had increased ; but if he was not greatly mistaken, the accounts were fallacious—the assertions on that head were as greatly over-stated, as the failure of the revenue in Ireland was under-rated. There was, besides, this material consideration, that in former periods, when, from whatever causes there was a temporary falling-off of any branch of the revenue, the country still retained a growing and constantly increasing commerce, which constantly afforded new resources—which bore the public through all their difficulties—which enabled the country to contend with success against a host of enemies, and even

now enables it to present to the enemy a proud front of defiance. But the root of all this power was to be found in the agriculture and the commerce of the country. Now, with respect to the agriculture, what was its situation? Why, Parliament had been called upon to establish a system which must ruin or at least depress its interests, in order to save the colonial system from utter destruction. As to the commerce of the country, what conclusion was to be drawn with regard to its state, when a loan of six millions to the merchants and manufacturers was proposed on the ground of its absolute necessity, in order to preserve your commerce and manufactures from complete subversion? He had adverted to the subject of agriculture and commerce merely because they formed the resources to which the country was to look for supplying its financial drains. He had always doubted the policy of the mercantile loan in 1793; but there was this difference between that case and the present, that the former arose from a want of due confidence, but now the difficulty consisted in the stagnation of commerce itself. His sole object in noticing these things, was, to remark the singular period chosen to make this great addition to the Portuguese subsidy. The House had been told, that it was called for, not only by policy, but by the good faith and antient amity which had subsisted between the two countries. But there was another country more near and dear to us—a country to which our attention was infinitely more due, with which, in fact, our interests were identified—and that was Ireland. The noble Lord had spoken of financial exertions; but what if we should happen to be called upon to pay two millions also to Ireland? I would ask what means Ministers propose to adopt, in order to fill up the deficiencies in the revenue of that country? Look first at the Ways and Means, and the taxes of the year; the revenue of Ireland was more than half a million below the charge of its debt, leaving nothing for the current charges of the government. In such circumstances, I should be well assured that no financial aid was necessary for that country, before I gave my consent to the present motion. These were the grounds on which he should give the measure his decided negative—because he entertained no hopes of effectually defending the Peninsula—because this system of increasing expenditure was fast sinking the country in the gulf of inextricable ruin—and because the measure, even if fit at another time, was

utterly unfit at present, when he was ignorant whether the resources of the kingdom could bear the extraordinary expenditure.

*The Earl of Liverpool* said, he felt some difficulty in replying to the noble Baron, as the principal points of his argument were derived from subjects which were not before the House. He was aware that the noble Baron had lately adopted it as a principle of policy, not to afford any military or even pecuniary aid to the nations of the Continent. The noble Baron also opposed the grant to the Peninsula, last session, upon, as he stated, his deep conviction of the utter hopelessness of the contest. The noble Baron, and other noble lords who thought with him, maintained that the time for assisting Spain and Portugal had gone by—that nothing could be expected from any efforts in their service. The experiment, however, had been made, and had succeeded beyond the most sanguine expectations of those who recommended it. The vote, therefore, to which the House was called upon to agree, rested upon the grounds of the exertions already made, exertions which some noble lords at the other side considered as visionary and impracticable, and which even himself did not believe would be productive of those great advantages that had been derived from them. Upon the general principle of subsidizing foreign powers, it was not now necessary for him to address their lordships. The practice had its advantages and disadvantages. If it sometimes prevented nations from exerting their own energies, it fully answered on other occasions all the purposes that were expected from it. But the argument of its preventing national exertion, was wholly inapplicable to Portugal. The government of that country had made exertions, greater, perhaps, than had ever been displayed by any government under similar circumstances. They had assembled a military force, including regulars and militia, which amounted to between eighty and ninety thousand men. This was exclusive of the *Ordenanza*, another most useful description of force. With respect to the quality of the Portuguese regulars and militia, he would appeal to many eminent officers now in London, who had witnessed their bravery in the field, and some of whom had led on their battalions at Busaco, and other places. They would tell the noble Baron, and other noble lords, who might be as incredulous, in this respect, as he professes himself to be, that their conduct on these occasions would have done credit to

any military whatever. They realized that which many believed to be impossible, and which even the most sanguine supposed to be doubtful. The noble Baron had expressed some doubts respecting the application of this subsidy. He was happy to have it in his power to remove any fears that might be entertained on that head. The two millions were to be applied to military purposes, and to military purposes only. He wished also to remove the erroneous impression, that this great sum was to be remitted to Portugal in specie or bills. Far from it; a very large proportion of it would be sent out in articles necessary to enable the Portuguese troops to keep the field; clothing, ammunition, provisions, &c. Some part of it would also be applied to the payment of such debts as the Portuguese government had contracted above their revenue. Four-fifths of the income of that country had been applied to raise and maintain the respectable military force of which he had just spoken. A small part of the subsidy, in addition to the supplies that might be expected from the Portuguese settlements, would cover this defalcation, and give additional vigour to the credit of the Government. It was not, however, in this view, though he could not help thinking it entitled to some consideration, that he called upon the House to support the Address, but upon the grounds of the exertions that have been made. He would ask no person to vote for it, if he did not think that the future exertions of the Portuguese Government would exceed what they had already been. Without following the noble Baron in his observations on general politics, he would say, that the contest on the Peninsula was not more the cause of Spain and Portugal than of Great Britain herself, taken even in the driest view of it. Upon reference to the politics of their ancestors, it would be found, that the Peninsula was always an object of particular interest with them. Some of the best blood of the country had been shed in its support and defence. Their Lordships would even find a resolution upon their journals (a most imprudent one, however, in his opinion) declaring that no peace should be made with France, so long as Spain should be in the hands of one of the family then seated on the French throne. But though the practice of subsidizing foreign powers might be liable to great objections, if it were to be judged of from the recent examples of some of the Continental governments, he would notwithstanding maintain, that these objections were inap-

could not be expected to be acquainted. If the issue of the contest should prove such, as he for his own part was not sanguine enough to hope for, then he would say that their proposition was a good one, and that they were entitled to the thanks of the country.

The motion was then carried without a division.

Adjourned.

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## HOUSE OF COMMONS.

THURSDAY, MARCH 21.

### MARINE MUTINY BILL.

*Mr. Yorke*, in moving that the Lords' amendments in the Marine Mutiny Bill be agreed to, felt it necessary to state to the House the nature of an amendment which had been made to the Bill in the House of Lords. The Bill had been prepared in the usual form, and consequently on the face of it provided for the regulation of his Majesty's Marine forces while serving on shore in the British dominions only. A doubt had arisen whether the Act, or the articles of war founded on it, could extend to marines serving on shore in a foreign country, and not immediately detachments from his Majesty's vessels upon that station. In serving as detachments they would be subject to the provisions of the Marine Mutiny Bill. But there was a brigade of marines now serving in Portugal which could not come within the description of detachments from the vessels on that station, and the doubt had arisen how far the provisions of the Marine Mutiny Bill could be considered to extend to them. An amendment was introduced by the Lords to remove that doubt, and that was the amendment which he had felt it his duty thus to explain to the House.

The amendment was then agreed to, and *Mr. Robert Ward* ordered to acquaint their Lordships with the concurrence of that House therein.

*General Gascogne* put off his motion relative to the half-pay of the Army, from Tuesday next, to Tuesday the second of April, on account of the probable absence of the Chancellor of the Exchequer and Lord Palmerstone on the former day.

A message from the Lords informed the House that their

Lordships had agreed to the Silk-Manufacturers' Bill without any amendments.

## STATE OF THE PRESS IN INDIA.

*Lord Archibald Hamilton*, in rising to submit his motion for copies of all orders and regulations respecting the Press in India, felt it necessary to state, not only what his object was, but what his object was not. It was not his intention in that instance to find fault with any of the regulations to which his motion referred. All he asked was, that an opportunity might be afforded him of knowing what were the laws which were in existence upon this subject. The late trials which had taken place at Madras would, in his opinion, afford a sufficient ground for his motion; but upon the general reason of the case, he felt he was still more strongly fortified in calling for the information he wished to have produced. He wished the House to be informed, what was the law that existed respecting the press in India, and what the penalty to be incurred by the transgression. He was aware that it might be urged against him, that, though there might be no positive law, a long practice was sufficient to establish an usage, and that such usage must have the efficacy of law. But he would not admit that any usage, unsupported by law, could justify such regulations respecting the press as now existed in India, and as had never been sanctioned by that House. He wanted to know, not only what the law was, but upon what authority it had been established. They were all aware that it was contrary to law to make conquests to extend the territories of the India Company, and they equally well knew how that law had been obeyed. If that House should not interpose its authority to restrain the violations of law in India, it was impossible that that important branch of the Empire could be well governed or long retained. He should, in the next place, beg leave to inform the House as to what he understood to be the substance of the regulations respecting the press in India—if not the whole, at least a considerable part of these regulations. By these regulations, no newspaper could be published in India which did not previously receive the sanction of the Secretary of the Government. Whether this regulation was right or not, he did not mean then to contend; he only wanted to know by what authority the regulation had been established. The penalty for transgressing this regulation was immediate embarkation for

Europe. The noble Lord here quoted the authority of a learned judge (Sullivan) in India, to shew that no power could exist in the Government arbitrarily to restrain the liberty of the press in India—that liberty of the press, which was the right of every Englishman—which was the surest guard for his freedom, and the best check upon the Courts in the administration of justice. It was to ascertain upon what grounds this breach of the law had taken place, that he wished to call for copies of the orders and regulations. He found it also laid down in the regulations, that certain rules were framed for the guidance of the Secretary of the Government in revising the newspapers. He was to prevent all observations respecting the public revenues, and finances of the country—all observations respecting the embarkations on board ships—of stores, or expeditions, and their destination, whether they belonged to the Company or to Europe—all statements of the probability of war or peace between the Company and the Native Powers—all observations calculated to convey information to the enemy, and the republication of paragraphs from the European papers which might be likely to excite dissatisfaction or discontent in the Company's territories. If the press was to be prevented from publishing any thing under these several heads, he was at a loss to know upon what subject any observation could be published. Though he would repeat, that he did not now mean to say that any of these regulations were wrong, yet when the papers, if granted, should be produced, he was of opinion that others would be of the same sentiments with himself upon the subject. As to the trials at Madras he should only observe, that hitherto the administration of justice was considered pure; but in this instance, the Courts seemed to be ashamed of their proceedings, inasmuch as they would not allow the publication of the proceedings. If they were not ashamed of them, they ought to allow the publication, if only to allay the ferment which was excited by these trials. The publication could do no harm, and might do much good. The noble Lord then stated, that two grand jurors and three petty jurymen had been sent away from Madras for their conduct on these trials. He would ask, whether, under the present ambiguity of the law, any man could have a fair trial. The noble Lord concluded by moving for copies of all orders, regulations, rules, and directions promulgated in India since the year 1797; regarding the restraints of the press at

the three presidencies of Bengal, Madras, and Bombay; whether acted upon by the Government there, or sent out by the Court of Directors or by the Board of Control.

*Mr. Dundas* wished to state shortly his reasons for opposing the motion of the noble Lord, not only in its present form, but in any possible shape in which it could be framed. The noble Lord had objected to the Courts, their not allowing the report of the trials at Madras to be published. Whatever might be his present impression on that subject, he must forbear stating it now, as it would be improperly anticipating that which must take place on this subject hereafter. With respect to the state of the press in India, the noble Lord seemed to infer that no restraint ought to be imposed on it by the Government there or here; at least that was the conclusion which he drew from the premises which the noble Lord had laid down. If that was the case, he must say, that a wilder scheme never entered into the imagination of man, than the idea of subjecting the Indian press to the same regulations as the English press. There was no man who knew any thing about India that would ever think of such a regulation. Except the rules which the noble Lord stated, there were no other rules relating to the press, in India, of which he was aware. Would the noble Lord, then, say, that there ought to be no rules for the press in that country? Would he say that the press ought to be unlimited? No; the noble Lord had himself allowed that there ought to be a censorship, and there could be no doubt of it; there could be no doubt that the very government would be shaken to its foundation, if unlicensed publications were allowed to circulate at the will of the publisher, over the whole continent of Hindostan. There could be but two descriptions of persons in India: either those who went to that country with the licence of the Company, or those who lived in it in the actual service of the Company. There could be no doubt then whatever, that the Company had a right to lay any regulation they chose on those who in such a capacity chose to live under their power, and who, when they went into the territory, knew that the will of that country and submission to their mandates were the tenure on which their stay depended. It was completely at the option of the resident to remain in India or retire from it as he thought proper. If he chose to remain in it, he must submit to the laws; if he did not submit to the laws, he had no alternative but to leave it. The

subjection of the press was absolutely necessary to the existence of our empire in that country. In fact, some publications had been circulated there, attacking the customs and the religion of the natives. Now there was no point more delicate than this; there was no subject on which the feeling of the country was more alive than the sanctity of their laws, their ancient customs, and their chosen religion. By revering those, we were enabled to govern them; that reverence was the basis and substratum of our dominion. He could not agree to the production of the papers; those with respect to the proceedings at Madras would come before the House in due time, and those extracts from which the noble Lord had read, were already approved of by the Court of Directors in this country.

*Lord Folkestone* said, that the right honourable gentleman had very truly stated, that the East-India Company had a right to make what rules they chose in their own territory. No doubt they had, but still that was no reason why the House should be kept in ignorance of what those rules were. It was not only proper, but in the highest degree expedient, that we should know to what our fellow-subjects in India were subjected. The argument of the right honourable gentleman would go very far indeed; it would go to say that the Company had a right to send any one home, even at the risk of ruin, for a trifle. This, according to Indian policy, might be right; but still we had seen enough of the Government of that country, to make us view it with an eye of severe jealousy. He would support the motion.

*Sir John Anstruther* thought, that no case had been made out; no instance whatever of individual hardship or oppression had been stated. Every man who went out to India knew the regulations under which he went there; and he must know also very well, that the moment he thought fit not to comply with those regulations, the term of his residence was at an end. There were but two classes of people in India; first, the servants of the Company; and secondly, those who criminally remained there without their cognizance or permission. Now with respect to this last class, no man would say that the liberty of the press should exist for them; and with respect to the first description of residents, it was not necessary. No person could say, that it was necessary that one set of the public servants should set about enlightening the other; that the

Secretary to the Treasury, for instance, should begin to lecture the First Lord of the Admiralty, and the First Lord of the Admiralty, in his turn, read a lesson to the Secretary to the Treasury. He remembered in India a series of essays, very ingeniously written, published for the purpose of proving how small a number of natives might massacre all the European inhabitants of Bengal. This was dispersed all over the capital of Calcutta. Now surely no man would say that a system which allowed the discussion and dispersion of such a topic ought to be countenanced in such a country.

A Member (whose name we could not learn) was of opinion, from a residence in India, that the liberty of the press as it existed in this country, could not be allowed there without the greatest danger to our establishment there.

*Sir Thomas Turton* fully agreed, that so delightful a plant as the liberty of the press could never be brought to perfection in so sterile a soil as that of despotism. It was true that the liberty of the press in that country could not exist under the same advantages as in this. Why? because we had enslaved India; and in no enslaved country dare the press speak. (*Hear! hear!*) Why, (said *Sir Thomas*) why should you speak of the liberty of the press in a nation where you have established the vilest despotism? Why should you give Indians the advantages of knowledge? You would only thereby be giving them the means of detecting your own injustice. You have ransacked their country—you have despoiled its people—you have murdered their Princes; and of course, for your own protection, you must keep them deluded, and deceived, and ignorant. You might as well tell me of the liberty of the press in Morocco or in Algiers, as under your government in India. (*Hear! hear! from Mr. Dundas.*) Yes, I repeat it, the Emperor of the one, or the Dey of the other, is just as good a friend to the liberty of the press as you are; and it flourishes in as perfect freedom at Tunis, as it does under your empire. (*Hear! hear!*) According to the right honourable gentleman, the people of India are considered as nothing. If such is your principle, and that such it is I have your own assertion; to keep them ignorant is as much your policy, as to keep them enslaved has been your crime. (*Hear! hear!*)

*Mr. Dundas* explained.

*Mr. Wallace* opposed the motion. He denied that the liberty of the press ought to exist in India. Such a power was necessary only to maintain freedom, and there was no freedom in India to maintain; of course, it was not necessary, and ought not to be endured in that country. We were suffering enough every day in this country from the licence of the press, and it would be ten times as bad in India. He did not deny that there were benefits from the press; but still, in this country, if it was not speedily checked, its licence was now so alarming, that it would in the end usurp and institute a power of its own.

*Mr. Hutchinson* spoke in favour of the motion.

*Mr. C. Grant* said, the honourable Baronet's (Sir T. Turton's) argument was inapplicable to the case. The Company did not carry despotism to India, but found it there. It was the original government of the greatest part of the world, and it was therefore necessary to be cautious how we altered the government in India. In his opinion, a more delicate or dangerous subject could not be entertained by the House; and if we were to allow the liberty of the press in India, we might bid adieu to that country for ever.

*Sir H. Montgomery* said a few words from under the gallery, but in so low a tone, we could only draw the conclusion of his being friendly to the motion.

*Mr. Lockhart* said, he believed this motion was intended merely as a compliment to the abstract liberty of the press. He knew it had been a custom to set down a man as marked, who spoke against its excessive licence; but such proceedings should never have any effect on him. He was present at, and remembered the arguments used on this subject of the liberty of the press, in the National Assembly of France. All the violent part of that Legislature, who so little understood the meaning of it, were for granting it indiscriminately to blacks, whites, and creoles, in St. Domingo; and the consequence was, they effected thereby the total ruin and destruction of the Island.

*Mr. Whitbread* said, it was not his intention to trouble the House further than to make a very few observations on what had fallen from one or two honourable gentlemen in the course of the debate. The honourable gentleman opposite (*Mr. Wallace*) had informed the House, that the licence of the press had made rapid strides; if it had, he would appeal to the cooler recollection of the honourable gentle-

man, and to the candour of the House to say, if these rapid strides had not been made backwards. So far as he (Mr. Whitbread) had observed the progress of the liberty of the press for many years past, he could see no strides it had made which were not in a retrograde motion. He was, however, much surprised to find that the principal opposition to the motion was taken up on the ground that his noble friend, who brought it forward, had argued in favour of a free press in India; but he was certain nothing was farther from his noble friend's idea, and nothing could be more contrary to the argument he had used. Situated as India is, he (Mr. W.) did not believe it was possible to extend to it so great a blessing; but he denied that a free press in St. Domingo had been the means of effecting the mischief and the ruin which the honourable and learned gentleman opposite to him (Mr. Lockhart) had attributed to it. The ruin and destruction of that island had been brought about by the exertions of the despotic power, and it had never experienced the intervention of a free press. That same honourable and learned gentleman had also told the House, that the East-India Company had possessed themselves of their territories in that country, partly by conquest, and partly by compact; but he had forgotten to state what share fraud had in the concern. It had been said in the course of the debate, that the natives of India were secure under our government, because those who governed them were responsible for what they did; and yet these very persons refused to lay papers before the House by which alone they could be made responsible. The right honourable gentleman (Mr. Dundas) had said, the liberty of the press could not be allowed, for fear of the natives being disturbed in the exercise of their religion; which was as much as to say, that it would be a crime to attempt there the propagation of the gospel. Under all the circumstances of the argument on both sides, he thought his noble friend had made out a sufficient case to entitle him to the production of the papers moved for, and as such he should vote for the motion.

*Mr. Dundas*, in explanation, denied that he had said any thing adverse to the propagation of the gospel; what he had said was, that the liberty of the press was likely to irritate and inflame the natives, in consequence of attacking their religion.

*Mr. Whitbread* said, he understood the right honourable

gentleman to say, "that the maintenance of the superstitions of Hindostan was necessary to be supported."

*The Chancellor of the Exchequer* objected to the production of the papers, because granting them would convey an idea that there was something wrong in the conduct of those concerned in them; and in his opinion there had been no case made out to warrant it. Government should abstain from being active in introducing any thing on the subject of religion, lest it should be supposed they intended to enforce it in opposition to that of the natives. Taking the whole into consideration, he could see no reason for granting the papers.

*Sir J. Newport* said, he thought his noble friend had made out a very sufficient case. He had told the House he understood the press was under a restraint in India which it was not liable to here: he therefore asked for the papers, to know how far it was so; and there was no just reason to say his noble friend wanted to have them for the purposes of censure. He himself could by no means agree to the argument of the right honourable Baronet (Anstruther), that the servants of the Company were bound to abide by all the regulations of the Company, or else return to England. The Company might make regulations that were highly unjust, injurious, and oppressive; and it was the bounden duty of that House to watch over their conduct, and see that they did no act in any such way.

*Lord A. Hamilton* said, that after the very able manner in which his motion had been supported, it would be unnecessary for him to trespass further on the time of the House, than merely to make one or two observations on some arguments from the other side of the House. If, as an honourable gentleman had said, "India *must*, at all events, be governed as it now is," there was an end of his motion, and of every other of a similar nature. He remembered, however, to have heard in that House, very different arguments held by those who sat on the Treasury Bench; some of whom spoke in favour of the present, some of the past, and others of the future. He recollected a certain dispatch which had a few years back been drawn up, but not sent to India, which reprobated that doctrine to which he had just alluded, and said *positively*, that India *should not* be governed as it then was. For his own part, he was of opinion, that if India *must* be governed as it *now is*, though the India Company might not

think so, he believed the public had much better not have it at all. He had only one word more—this month was the time when the Government must give notice, according to the Act of Parliament, that the Company must quit their exclusive privilege. He would beg to know of the right honourable gentleman, whether it was intended to give such notice?

*Mr. Dundas* said, he had on a former night been asked that question, and he had then answered that it was.

*Mr. Johnstone* said, he thought a free press was totally inconsistent with our Government in India, and he should therefore oppose the motion.

A division then took place—

For the motion, 18—Against it, 53.

#### COMMITTEE ON EAST-INDIA AFFAIRS.

*Mr. Dundas* moved for the appointment of a select Committee to examine, and report to the House the state of the affairs of the East-India Company. The names he should propose would be the same as the Committee was composed of last year, with the exception of two members, (one of them the Chancellor of the Exchequer) who could not attend. As he was not aware of any objections, he should reserve himself to answer any that might be made.

*Mr. Creevey* protested against the appointment of such a Committee, because he was convinced that it could do no good, and was not originally intended to do any good. The first appointment of the Committee was when the property of the Company was exhausted, and they wanted to apply to the country for relief. The Committee consisted principally of Members of the Board of Control, Directors of the Company, and their friends, who were the very persons who should naturally be suspected of having mismanaged the affairs of India. The masters of India were *paupers* in Leadenhall-Street; and every time such a Committee was moved for as the present, it had been the prelude to an application for money from the country; and the Committees always reported in favour of the solvency and stability of the Company. He conceived it a sort of robbery of the public to make them pay the losses of the Company, while they paid all the gains among themselves in dividends. He wished, that if there was to be a Committee, it should be

an impartial one; and as a likely means to obtain such an one, he should move as an amendment, "that the said Committee should also inquire into and make a report of the conduct of the Directors and the Board of Control."

*Mr. Dundas* thought the best way of answering those observations was, to read the names of the members he meant to propose. Besides himself (as mover), and two of the Directors, the members were, Lord Castlereagh, Mr. Wilberforce, Mr. Tierney, Mr. S. Bourne, Mr. Fitzbush, Lord Morpeth, Sir John Anstruther, Mr. Vansittart, Mr. G. Johnstone, Mr. Creevey, Mr. Vanderhuysen, Mr. Porcher, and Mr. De Ponthieu. He made several observations on the persons so composing the Committee (who were, with the exception of the two last, the same that had been on former Committees), to shew that they were men, who could not be fairly considered as under the influence of the Directors.

*Lord Folkestone* said, that, however respectable most of those names were, yet the common practice in Committees so constituted, was, that those who were most interested constantly attended and took the lead, while others stayed away. He believed these Committees never yet presented any report to the House, unless when they wanted to get money. In their first report an old account was ripped up, which had been supposed to have been long closed, and it was discovered that the Country owed a million and a half to the Company. The consequence of another report was, getting another million and a half by loan; and now, he much feared, that they intended to apply for three millions. He could not avoid feeling very jealous of such a Committee.

*Mr. Wallace* defended the Committees which had formerly been appointed for a similar purpose.

*Mr. Whitbread* said, that the necessary consequence of adopting the amendment would be, that those persons who were most interested, and who undoubtedly possessed most information on the subject, instead of sitting on the Committee, would communicate their information to it in the capacity of witnesses. He thought that at this particular time, when the question of renewing the charter was to be proposed, the whole affair of the East-India Company ought to be submitted to as impartial a Committee as could be selected.

*Mr. Grant* said, that he really, for his own part, would

be happy that the affairs of the Company were to be submitted to a Committee of the most impartial persons. He thought this one good would immediately result from it, that the House would be relieved from the perpetual misrepresentations of the honourable gentleman, and, he would say, his want of information on the subject. If a substantive motion had been brought forward of the nature of the amendment, he should therefore have supported it; but he did not think such an amendment a fair way of getting rid of the motion. As to the last loan of a million and a half, he believed that it was now completely repaid by the expences which the Company had incurred in India, upon the expedition against the enemy's settlements, and the supplies furnished to the King's navy in those seas. He thought the honourable gentleman (Mr. Creevey) was not justified in making those eternal complaints, as he was a member of the Committee, and knew that they never refused any inquiry that was proposed.

*Mr. Creevey* said, that he was once refused a paper which appeared to him of great importance to an inquiry he wished to institute, and therefore he only attended the Committee afterwards to see what they were doing.

*Mr. Grant* called upon him, and challenged him, in future, to bring forward any inquiry he thought proper in the Committee of which he was a member.

The House then divided on the amendment—

For it . . . . .	19
Against it . . . . .	76
	—
Majority . . . . .	57

*Mr. W. Pole* stated from the papers already before the House, that in the course of last year, great distress having taken place among the manufacturers in Ireland, Government in that country had prevailed on the Bank to advance the sum of 200,000*l.* for their relief, which seasonable relief enabled the masters to keep in their employment thirteen or fourteen thousand persons, who otherwise must have perished. He wished to bring in a Bill to secure the Bank from any loss on that account; and for this purpose, he should move for the House resolving itself into a Committee to-morrow, to take into consideration the papers which Mr. Secretary Ryder had presented to the House.

*Mr. Wharton* moved for, and obtained leave to bring in the annual Indemnity Bill.

*Mr. Hutchinson* gave notice, that on the first vacant day, he should bring forward a motion respecting the application of the military force of the country.

#### COMMERCIAL CREDIT BILL.

The order of the day was then read for taking into further consideration the amendments in the Commercial Credit Bill.

On the question of filling up the blank with the words two-pence half-penny a-day for interest,

*Mr. Thornton* thought, that, as Exchequer-bills now bore a much higher price in the market than they did formerly when relief was given, it would be better to fix the interest at two-pence.

*The Chancellor of the Exchequer* thought that it would be better that it should stand at two-pence halfpenny. If the country thought fit to relieve the distresses of certain classes, by loan, he thought that it should not take a profit on those distresses by a hard bargain.

*Mr. Tierney* objected to making the Exchequer-bills a temptation to purchasers, by giving them a higher value than they had before.

*Mr. Huskisson* approved of the amendment.

After some observations from *Mr. Rose*, *Mr. Baring*, and *Mr. Hibbert*, the House divided :

For the Amendment	-	-	-	29
Against the Amendment	-	-	-	28
				<hr/>
Majority	-	-	-	1

*Mr. Whitbread* asked, if a large sum of that voted to relieve the West-India Merchants was not still outstanding.

*The Chancellor of the Exchequer* said that there were some monies in that situation still, but they were secured on estates in Scotland and the West Indies.

After some amendments in the preamble of the Bill, it was read a second time, and ordered to be engrossed.

*Mr. Leach* put off the further consideration of the Foreign Ministers' Salary Bill to Friday se'nnight.

The other orders of the day were then disposed of, and the House adjourned.

## HOUSE OF COMMONS.

FRIDAY, MARCH, 22.

*The Speaker* having attended in the House of Peers, pursuant to a message by the Black Rod, on his return acquainted the House, that the Royal assent had been given by commission to the Mutiny Bill, the Bill for regulating his Majesty's Marine Forces while serving on shore, the Population Bill, the Silk Manufacturers' Bill, and several private bills.

## COMMITTEE OF SUPPLY.

The House having resolved itself into a Committee of Supply, to which the several accounts on the table respecting barracks and miscellaneous services were referred,

*Mr. Yorke* observing that, on a former day, only a part of the sums necessary for the ordinary service of the navy had been voted, said, he should take that opportunity of moving the sum which had been omitted on the former occasion. The right honourable gentleman accordingly moved "that a sum not exceeding 1,167,761*l.* be granted to his Majesty for defraying the ordinary expences of the Navy, including the half-pay of Navy and Marine Officers."

On the question being put,

*Sir William Scott* rose in consequence of some charges which were thrown out against the conduct of the Court over which he presided, when the Navy Estimates were recently under consideration. He did not complain of the honourable Admiral (*Sir Charles Pole*) for having made these charges in his absence, because it might be asked in answer, why he had not been in his place; but he had some reason to complain, that, according to the usual custom of that House, when charges were to be brought against any individual, no notice of such an intention had been given to him. He should not prescribe rules of morality to be observed in his conduct by any honourable member; but he must say, that it was to a man in his situation a rule of compulsive justice. Considering the many hundred causes that had been brought before him and decided, in the course of the thirteen years during which he had presided at the Admiralty, it was impossible that he could carry in his head all the duties and circumstances of progress or delay of

each, so as not to be taken by surprise, by a charge without due notice; but he should demonstrate to the House, that the accusation preferred against the Court of Admiralty, in this instance, was unfounded. The charge was, that the proceeds of several ships, captured many years since, were yet undistributed. He admitted the fact, that the proceeds of six, captured in 1799, remained yet undistributed. But before the honourable Admiral made a charge against a Judge, he should have ascertained that the delay was imputable to the Court of Admiralty. The delay might have arisen from the negligence of the parties, or from other causes not within the control of the Court of Admiralty. The parties might not prosecute; they might appeal; they might harass each other by vexatious litigation, not known to the Court of Admiralty, and which could only be finished by the final award of costs. Delay might also exist in various cases, without blame being imputable even to the parties. The captors were officers who might be called off to distant stations; the claimants foreign merchants resident in the interior of the Continental nations; the witnesses, too, whose testimony was necessary for the elucidation of the merits and final decision of the cause, were often to be hunted out in any manner that could be resorted to. These various circumstances caused delays which were absolutely indispensable for the due administration of justice. He would also make another admission, not of fact, but of principle, to the hon. Admiral, that it was desirable that dispatch should take place in adjudications of this description. But it was not consistent with the practice of British Admiralty Courts, to administer justice without a proper inquiry. No complaint was made against the Admiralty Courts of Tunis or Algiers. The decision was rapid enough in the Courts of France. But that was not the character of British jurisprudence. The British Admiralty Courts did not sit solely to condemn: their duty was to protect the rights of the captors, as well as the just claims of British and foreign merchants. With respect to the particular fact upon which the present charge rested, it was true that six ships were taken, not at the battle of Camperdown, but for breach of the subsequent blockade of the Texel in 1799, two years after. The claimants were merchants residing in different countries of Europe; Silesia, Bohemia, at Trieste, and at Fiume. Their claims were put at different periods; and yet, after allowing time for all the claimants to come in, the final adjudication

took place on the 13th of May, 1801. If the agents did not then apply for an order of distribution, it was not the fault of the Court of Admiralty. But then it happened that a difference arose amongst the officers, whether the property ensured belonged to the captors, or was distributable amongst the whole of the blockading squadron. After much controversy and negociation, in which much warmth was manifested on both sides, the question was at length referred for decision to the Court of Admiralty. On the 12th of February, 1803, it came on for decision. The Court at that time explained its opinion, though the final judgment was deferred, with the consent of all parties, to wait the decision of a similar case then under the consideration of the Court of Appeals. Unfortunately this cause was delayed six years, but that was not attributable to the Admiralty Court. In the mean time, the money was producing interest for the benefit of the parties who might appear ultimately intitled to it. (*Hear !*) The House would therefore see, that this charge was as unfounded as one brought forward in a former session by a noble Lord, now employed with more honour to himself, and more benefit to that service to which he so eminently contributed; on which he had been obliged to hold up his hand at the bar of every tavern and coffee-house in the kingdom, for several months, without the opportunity of repelling it. Yet that charge rested upon a compromise entered into between the Government agents and the agents of the parties, to which the Admiralty Court was no party. As to the delays which the hon. Member had complained of, he must be aware that the Admiralty Court had no more to say to them, than the Court of King's Bench had to the delay occasioned by the writs of error in the House of Lords. The Court of Appeals had now a much more arduous office than formerly, there having come into that Court more appeals during the last sixteen years than for a century before. It ought to be remembered, that that Court was filled by men who had arduous functions to discharge in other places, and who received no remuneration, save the censures occasionally passed on them in that House. Out of this vastly augmented business, there were now only twenty or thirty appeals to be disposed of. Having now discharged, by this explanation, what he considered to be a solemn public duty, he must give to the hon. gentleman a general admonition, which was, not to bring charges against Courts of Justice, till he inquired whether or not they had

any foundation. He claimed from him no individual respect, but the country and its jurisprudence claimed from him at least the courtesy of not attacking them when they did not deserve it.

*Mr. Rose* vindicated the conduct of the Court of Admiralty, and thought that the different parties ought to be much obliged to the learned Judge for delaying his judgment till the decision in the Court of Appeals had taken place. He did not believe that there was any country in the whole world where business was carried on with more purity and more dispatch than in this country, and particularly in the Court referred to. He here entered into the details of the cause which had been selected for animadversion, and dwelt upon the integrity of the Court of Prize Appeals. Of the proceedings of that Court he made a regular report to the Court of Admiralty, and for the truth of this statement he could refer to his right hon. friend who sat beside him. He confessed he felt much anxiety in repelling any insinuation thrown out against the adjudication of causes in which the navy were interested. Gentlemen ought to be very cautious how they made those charges; because if the seaman once got it into his head, or read any statement made to that effect, there could be no possibility of persuading him to the contrary. For himself he could say, that he paid every attention to the claims which had been made on him in his official capacity; and he could safely say, that no seaman, or wife, or child, or widow, of a seaman, had ever addressed to him a letter, to which they did not receive an immediate answer from himself.

*Sir Charles Pole* said, that if those gentlemen who thought proper to complain so loudly to-night, had been in the House when he spoke on the subject of which they complained, they would have seen with what little justice they attacked him. He had then stated, that the navy was advancing in glory and improvement. He had stated also his regret, that many of those improvements still required completion, and he certainly had instanced the delays which took place in the Admiralty Court. He acknowledged this, and he stated it now over again; and he would state it over and over again, either here or elsewhere. As a member of that House, he was entitled to make any charge which he thought was founded in justice. It was his duty to do so; but it certainly was not his duty to send for the learned Judge all over the town, in order to inform him of

what he ought to know as well as himself, namely, that on a certain night the interests of the navy were fixed for discussion and consideration in that House. The learned Judge had confessed that of which he complained—he had confessed the delay which had taken place in the cause with respect to the ships taken by the blockading squadron. It was no excuse to say that he waited for the decision of the Court of Appeals; if that was once allowed to be a valid excuse, there never would be wanting some person to lodge an appeal. It was allowed, that in 1799 these ships were captured by the blockading squadron, and that now, in 1811, the men had not got one sixpence of the prize-money. Was this right? Was it not a very good ground of complaint? The learned Judge had travelled to the North and the South pole for arguments, and his ingenuity had even carried him to Lapland. He had, however, yet found no valid answer; and now, since the evil had been admitted, he hoped that it would not happen again, and that the interests of 145,000 as brave men as ever existed would be more carefully watched over. With respect to the personal charges which had been made against him, he must say, that they should have no effect whatever. As long as he was a member of that House, and as long as there was an injury of which to complain, he would speak. He had no private motive for attacking any part of the conduct of the learned Judge; he could have no personal hostility to one whose character and talents were so deservedly esteemed by his country; and he hoped he would not be again accused of such a motive, when doing his duty as a faithful Member of Parliament, by investigating what appeared to him to be a grievance. He said it was of the highest consequence to the interests of the navy that our sailors should not have cause to be dissatisfied. The right hon. the Treasurer of the Navy (Mr. Rose) had stated proceedings in the Admiralty Court which were the most flagitious ever heard of. The agents were under the direction of the Court of Admiralty, and therefore their misdoings must, in some measure, be attributed to the Court. He (Sir C. Pole) knew his inability to state any thing to the House which was likely to produce the effect he wished; but the right hon. gentleman had done it for him, and was thereby entitled to his hearty thanks. He, for his own part, should have thought he had neglected his duty, had he not said what he had done. Allowing every thing for the splendid abilities of the right hon. Judge of

the Admiralty Court, had they any thing to depend on, when he had declared that he would not move till he had received the opinion of the Court of Appeals? By the first speedy adjudication in their favour, the expectations of the seamen were raised, and then, from the subsequent delays, they were sunk into the gulf of despair, and discontent could not but be the consequence.

*Mr. Stephen* recapitulated at considerable length several of the arguments of Sir W. Scott, as he said several members had entered the House since that right hon. gentleman had spoken, and he wished them to know the particular turn of argument. In his opinion the right hon. and learned Judge had clearly exculpated the Court of Admiralty from being the cause of the delay complained of; and he was sorry to say, that the charges of the hon. and gallant Admiral, though he (Mr. S.) was sure they were made from the purest motives, could only be productive of discontents among the seamen, without producing any good effect whatsoever.

*Mr. Freemantle* said, the question involved the dearest interests of the country, because they were those of the navy, on which the country so much depended for its security. He was sure the gallant Admiral meant well, in bringing forward the charges he had done; but he was afraid the gallant Admiral had formed ideas in which he was not warranted. The gallant Admiral had said, that delay was abuse: but there were certainly some cases in which delay was unavoidable: and in the case of a Court of Appeal it must frequently be so, from the circumstance of questions of high importance coming under their consideration, which could not be determined without the most thorough sifting and examination.

*Mr. Johnstone* thought that the honourable Admiral deserved great credit for having brought forward the subject on the present occasion. It certainly would seem, that from a judgment of the Admiralty having been given in favour of the captors within six months after it had been brought into the Court of Admiralty, and no payment having been made in the course of twelve years, there appeared to be a great deal of justice; and though the right honourable gentleman (Sir W. Scott) had clearly done away every thing which affected himself as Judge of the Admiralty Court, there was certainly a *prima facie* case which indicated great hardship, when it appeared that twelve

years after the judgment of the Court had been given in their favour, they had, notwithstanding, in all that time received no prize-money. He understood the Court of Appeals had for one year stood still and done nothing, because one Judge of that Court, from some cause which was yet to be ascertained, did not attend. He thought, therefore, some new arrangement should be made in the Court of Appeals; for though we had one judge of extraordinary abilities in the Court of Admiralty, his decisions, however just, were of no effect, whilst they were liable to be retarded by the dilatory proceedings of the other Court.

*The Chancellor of the Exchequer* thought that the case which had been made by the hon. Baronet was fully answered. It appeared that the old arrear of business was now much reduced; and therefore there could be no doubt but that the present system was sufficient to get through the business which now presents itself. If that was the case, it was easier to alter than to amend it. He thought the honourable Baronet should have instituted inquiries before he brought forward a charge—a charge which went not only to the character of his right hon. friend (Sir W. Scott), but to the character of the justice of this country with neutral nations, and to the 140,000 seamen now in our service.

*Sir F. Burdett* thought, that instead of censure, thanks were due to the hon. Baronet (Sir C. Pole) for bringing forward the present discussion. He knew, indeed, that it was a difficult matter to persuade gentlemen of the learned profession, and more particularly to persuade a Master in Chancery, that the delay of justice was a great abuse. He knew also, that it was customary, on all such occasions, whenever abuses were complained of, for gentlemen in office to rise up on the other side, and pass high panegyrics upon the character of the particular officers in whose departments the abuses were alleged to exist. But of what consequence was it to the Navy, that the seamen should be told that the Judge of the Admiralty was a man of eminent abilities, and that the delay could not fairly be imputed either to him or to any subordinate persons in the Court in which he presided? Would such a statement make the delay less ruinous to the seamen, or less severely felt? Perhaps the Judge was not to blame; perhaps no individual was to blame for the delay, (*Hear! hear! from the Ministerial Bench;*) but still if there was a delay injurious either to neutrals or to our own seamen, it ought to be inquired into. So far from dis-

cussions of this nature producing harm, he thought that they almost always produced good. At first, indeed, they always produced some reflections on the persons who brought the subject forward; but when the abuse was made very notorious, it was often corrected, and those persons took great credit to themselves for removing the abuse, who defended it with all their might when first the subject was brought forward. He did not think that the hon. Baronet had brought a charge against any individual when he stated a fact which appeared to him of the greatest importance, that sailors had not received the prize-money which was due to them twelve years ago.

*Mr. Croker* rose, with a considerable degree of warmth, and said, that it was very surprising to find the same charges now repeated which had been so completely refuted in a former part of the discussion. It was not a matter of much difficulty, nor did it require great ability to repeat what others had said in a debate. The honourable Baronet (Sir F. Burdett) had been so accustomed to stand alone in his opinion, that there might be a sympathy between him and another hon. Baronet, who also appeared to stand alone. He could not otherwise account for his repeating, after a long discussion, those charges which had been so completely refuted.

*Mr. Whitbread* said, that although the honourable gentleman who spoke last had declared, that it was so easy to repeat what had taken place in a discussion, he did not by his own example shew that the thing was so easy; for so far from repeating what had fallen from the honourable Baronet, (Sir F. Burdett), who had spoken immediately before him, he had misrepresented him through the whole course of his speech. That honourable Baronet had certainly brought forward no charge at all against the learned Judge that presides at the Court of Admiralty. It was a most curious way in which he accounted for the support of that hon. Baronet to the motion. He said, that it was because both the honourable Baronets wished to stand alone, and be singular, that one hon. Baronet supported the motion of the other. (*A laugh.*) This was however contrary to the first principle of arithmetic, namely, that one and one make two. (*A laugh.*) Although the hon. gentleman might be a good Secretary to the Admiralty, he did not think he had that night displayed temperance enough to qualify him for a Judge of it. He thought that the hon. Baronet (Sir C. Pole),

in bringing forward this subject to the attention of that House, had acted in a manner strictly Parliamentary, and that the navy were highly indebted to him for his exertions in their cause.

After a few explanations from the gentlemen who had already spoken, the original motion was put and carried for the grant of 1,157,000*l.* for the Ordinaries of the Navy.

## BARRACKS.

*Mr. Wharton* then moved for a sum of 482,000*l.* for the Barrack Service of Great Britain for the year 1811.

*Mr. Banks* wished to know, was that the whole expence, and what part of that sum was to be applied to new works.

*Mr. Wharton* replied, that about 106,000*l.* would be applied in this year for barracks for the Life Guards in the neighbourhood of the metropolis: the lease of the place they now occupied was nearly expired. A sum of about 24,000*l.* would be required for building and repairing barracks in the islands of Jersey and Alderney, as the barracks in those places were in a state of great dilapidation. A similar sum would be necessary for building barracks in the Isle of Wight, to which it was proposed to remove the *depôt* of foreign troops from Lymington. There would be an expence in constructing barracks in Scotland for the reception of French prisoners, which from the great overflow in the English prisons, are obliged to be sent there. At present they are confined in a cotton-mill.

*Mr. Banks* particularly pressed the last speaker for the estimate of the expence calculated for this year on Winchester barracks.

*Mr. Wharton* was not prepared with an accurate estimate on this particular point, but he should be ready when the report came up to give every information.

A long and warm conversation then ensued. *Mr. Banks* and *Mr. Whitbread* thought the answer unsatisfactory; while *Mr. Wharton* and the Chancellor of the Exchequer conceived, that as full an account had been given as could reasonably be expected. The hon. gentleman had promised to give every information which could be required at another stage.

The motion was then agreed to.

*Mr. Wharton* then moved that 9,282*l.* should be granted for the support of Dissenting Ministers.

On the motion for applying £1,500*l.* to the additional expenses of the Mint,

*Mr. Banks* said, that the expense of that work ought to be looked into. From information derived from the architect, *Mr. Smirke*, he understood the actual expense to amount to £46,000*l.*

*Mr. Wharton* then proceeded to move the following sums:—4,000*l.* for Machinery at the new Mint.—4,500*l.* for the tunnel at the Mint; and 4,800*l.* for the Board of Agriculture.

The Committee then asked leave to sit again on Monday.

#### COMMERCIAL CREDIT.

*The Chancellor of the Exchequer* moved the order of the day for the third reading of the Commercial Credit Bill.

*Mr. Whitbread* said, that he must give his decided negative to the Bill. He understood from the Chancellor of the Exchequer, that a clause was to be introduced prohibiting the Commissioners from participating in the use of the Exchequer-bills. That clause was not introduced: but it ought to make a feature of the present Bill, and extend to every Member of the House. As it was, it might be made the means of an unconstitutional influence. No man on either side of the House heartily liked the measure, and it was embarrassed with the most serious incapacities. The old respectable houses of London had not suffered; and the new speculators, who chiefly belonged to Liverpool, were ruined, and beyond the reach of help. The measure could therefore render no service to any class of traders. To demand security in goods from the multitude of the manufacturers was mockery, for they had been already cheated out of their goods; their goods were gone. The distress was from the want of a market: the issue of Exchequer-bills might increase the goods, but could not open the market. "Now," said *Mr. Whitbread*, "though I believe few in the House will coincide with me, my firm and fixed opinion is, that we can never be relieved from our present commercial distress, before a thorough reconciliation with America, and a Continental peace. The relief offered by the present Bill was a relief by the issue of paper, at a time when the country was loaded with paper. A practical illustration of this was given but a few days since; and yet more paper was to heal the evil of an excessive issue. He would certainly take the sense of the House upon the Bill.

*Mr. Lambe* almost feared that the Bill would be ineffectual, but thought the experiment worth trying.

*Mr. Elliot* and *Mr. Hibbert* said a few words in support of the Bill.

The House then divided,—

For the third reading	-	-	41
Against it	-	-	4
Majority	-	-	—37

The Bill was then read a third time. The Chancellor of the Exchequer proposed, that the limitation of the sums to be lent by the Commissioners should be done away. This, with some verbal alterations, was agreed to, and the Bill was passed.

*Mr. W. Pole* moved, that the Report on the Grants of Money in Ireland should be brought up on Monday. The other orders of the day were then disposed of, and the House adjourned.

## HOUSE OF COMMONS.

MONDAY, MARCH 25.

On the motion of *Mr. Henry Martin*, the Bill for amending the Act with respect to printing and publishing was read a first and second time, and ordered to be printed.

### NEW THEATRE BILL.

*Mr. Mellish* having moved the second reading of the above Bill,

*Mr. Sheridan* said, he had expected that the honourable gentleman who brought this Bill forward would have given some reasons for so doing; but he found that he silently left it to its own merits, and to that expected protection to which he must confess, in his opinion, the improved preamble did not at all entitle it. He had seen, indeed, a printed paper which was circulated in the House, entitled "reasons for the erection of a third Theatre." Among other things, it spoke of his "splendid talents" being unable to reinstate the Drury-lane establishment. He was grateful to them for the compliment, though he must at the same time declare, that it was only honest in him to try by every means to restore that theatre which this application, if successful, must go finally to defeat. He had also to confess his gratitude to the promoters of this bill for the very handsome manner in which they had conducted themselves:

so far from shewing the slightest personal hostility to him, he must bear testimony to their very gentleman-like mode of proceeding. The ground upon which they brought forward their proposition, was the insurmountable obstacle which they supposed existed to the re-establishment of Drury-lane Theatre. Now this, in the first place, he must inform them to be totally without foundation. Not only no obstacle existed to their re-building Drury-lane Theatre, but even to their building two theatres on their two patents, if they should deem it expedient. Before he proceeded farther, he must remark, that though he knew very well that on private bills concerning canals, roads, &c. it was the custom for members to send about cards and notices to their friends; yet he must declare upon his honour, he had not canvassed the vote of any man, though many had spoken to him, but had left the matter to stand or fall by its own particular merits. He did not deny that the ostensible ground for the present application was very fair; and that there ought to be two or three theatres in the metropolis, he did not mean to dispute; but when those gentlemen imagined that it was out of the power of the Proprietors of Drury-lane to supply the deficiency, he must beg leave fully to undeceive them on that point. Last year the present applicants tried a project similar to the present, but it did not receive countenance. The Drury-lane proprietors claimed their right to the Act of Parliament, and that Act accordingly passed through the House without the slightest opposition, and the present applicants thereupon withdrew their claim. It might be asked him now, "Why, when that Act passed so unanimously, did you not proceed and act upon it?"—He was aware of this question, and he hoped to be able to give it a satisfactory answer. The fact was, that after the Act had been obtained, a point of discussion arose between them and lord Dartmouth, the late Lord-Chamberlain. Of that noble Lord he wished to speak with all possible respect; but he must say, nevertheless, that he seemed to be very ill advised indeed with respect to the extent of his official powers. Lord Dartmouth, it appeared, was advised to object to their acting on the dormant patent. He held in his hand a letter which he had received on this subject; it was dated on the 28th of June 1810, and the writer informed him "that he had it in command from the Lord-Chamberlain to say, that having heard that it was the intention of the Proprietors of Drury-lane

Theatre to act upon their dormant patent, he intended to oppose such a measure on the ground of illegality. On this subject a deliberation took place, which ended in an agreement on their part to renew the running patent for 21 years, and not to act upon the other without his Majesty's command. By the time these consultations were finally concluded, his Majesty's illness interrupted their immediate proceeding; but he could say, that after the establishment of the Regency, not an hour was lost. It was very far either from his wish or intention to find any fault with the present projectors; but now that he had, he hoped, satisfactorily accounted for the delay which had taken place, with respect to the re-erection of Drury-lane, he should proceed to make a few remarks upon the Bill before them. When this project was announced last year, very splendid promises were held out. It was promised, in the first place, that the new Theatre should be built on a small scale, for the advantage of sight, hearing, &c. This was totally forgotten in the present Bill. It was promised, in the next place, that the representations should take place to old prices. Of this, also, there was now nothing. Above all, it was promised, that the plays should be legitimate and selected, and that the drama should be converted into an instrument of morality. Not a word about it now. What! is it not enough that the *small scale* must be silent, the *old prices* silent; but must your *morality* be dumb too? (*a laugh*). This was not merely a personal question to himself; as a trustee of others, he was bound to speak; and as such, rather than leave out an argument, he must say he claimed for them a monopoly. Monopoly might be a very unpopular word, and he hated it as much as any man; but still, when it was acted on by others as a right, he did not see why they should be denied it. The Bank was a monopoly, the East-India Direction was a monopoly, Lord Gwydyr's mooring-chains was a monopoly, the Duke of Richmond's coal duties was a monopoly. He hoped, then, that the House would not listen to any project, the effect of which must be to ruin those who embarked their fortunes under the faith of a similar monopoly. The present projectors, indeed, seemed to have little respect to any thing that had been established before. They made in the very first instance two colossal strides, placing one foot on the chartered rights of the City of London, and the other on the very prerogative of the Crown itself. According to this Bill,

they might build their Theatre wherever they chose in the City. They might set it up at the nose of the Mansion-house, or by the side of Guildhall, or at the Stock Exchange, or the Royal Exchange, or wherever it might suit their fancy. The Lord Mayor, however, would not give his permission to have any Theatre erected in the City, as against its statutes; so that the gentlemen need not have troubled themselves to give it the name of the "City Theatre." These gentlemen did not seem, however, much to stickle at refusals or prohibitions. What was the case? After having been refused their demand by the King in Council, that did not satisfy them; but off they set from the very Council Chamber to that House, desiring them to supersede the King's prerogative, and by a legislative measure grant that which he in his wisdom had thought it prudent to refuse! He hoped the House would not countenance such a proceeding—he hoped they would not deprive those who had embarked their fortunes in a monopoly, of the just benefit of it without any compensation. He spoke for those for whom he was a trustee, and not personally. Speaking merely for himself, he did not care whether the Bill went into a Committee or not; nor would he care if they thought fit to build a theatre in every street. He had now delivered to them what struck him upon this subject, and should conclude without offering to them any immediate proposition.

*Mr. Browne* said, if he had been in the habit of addressing them oftener than he did, he should be embarrassed by the mode of the right honourable gentleman's argument. He should, however, endeavour to give it some answer. When a similar proposition to the present had been stated last year, he had delivered an opinion, and from that opinion it was not his intention now to shrink. He was compelled to this from a sense of public duty, and most certainly not from the slightest personal hostility to the right honourable gentleman. In the wide circle of that right honourable gentleman's acquaintance there was no man who more esteemed the extent, variety, and brilliancy, of his talents, (*Hear, hear!*) no man who more willingly or gratefully acknowledged the acquisition which literature derived from the rich stores of his composition. (*Hear, hear, hear!*) With the most perfect sincerity, then, he declared, that his present conduct was solely actuated by public principle. The right honourable gentleman had asked the reasons why a new Theatre

was proposed to be erected. He would tell him. In the first place, because the population of the metropolis had of late so much increased. In the next place, he would confess, because the recovery of Drury-lane Theatre appeared next to impossible, from the notoriety of its embarrassments, and the neglect to repair them—a neglect which he supposed could only arise from an inability to proceed. But he would say, that from the improvement of public manners, and the vast increase of population, were Drury-lane even in the plenitude of its prosperity, a third theatre would still be necessary. Very doubtful indeed he was, whether Drury-lane Theatre would ever again be able to raise its head; and still more doubtful was he, if it did raise its head, of the likelihood of a new theatre injuring its interests. With respect to the asserted exclusive rights given to the present theatres by the patent of Charles II. he should just briefly consider them; and he could not avoid doing so, because he considered not only the prerogatives of the Crown, but the rights of the subject involved in the question. He must say, he much doubted the existence of the prerogative over this species of amusement. Of every claim on the part of the Crown to exercise a prerogative, the subject matter ought to be as ancient as the Crown itself. It should exist at the time of the settlement at all events, if not, indeed, coeval with the throne itself. Now it was very well known, that it was not until lately that the stage began to assume any thing of a settled character. He was ready, for argument's sake, to admit the original grant of those patents; but still he must deny any right in Charles II. to make any such grant. He was not enabled thus to grant *in perpetuo* an exclusive right, which would destroy the prerogative, as far as that point was concerned, of all future Kings. Allowing such a principle, would go at once to give the prerogative which was attached to the throne into the hands of the King, and make the attribute of the Crown itself the limited and exclusive right of an individual monarch. At the time of the Usurpation, it was known that the Theatres were closed, and not opened again till the era of the Restoration. At that time a vast number were opened, and the licentiousness of the stage rose to such a height, that it was considered prudent to limit the number of exhibitions. Then two patents were given to Sir William Davenant and Killigrew. Surely, however, no man would say, that by these grants the Crown parted with its right even in after-times to make one similar.

Surely it would not be contended that one king had any power by a sweeping clause to prohibit all his successors from exercising an authority which he himself had assumed. At that time, and for some time after, there were only two theatres in London. Now, if it was true that the act of Charles II. bound all his successors, of course no patents could have been granted since. But was that the case? No. When after a short time these two patents happened to come into the hands of one person, a licence was given to Betterton, who set up a theatre in Lincoln's-Inn-fields. After him, a licence was granted to Collier, then to Rich, and afterwards to Garrick and Lacy. Taking these facts, then, he was justified in denying that the Patentees had any claim to exclusive rights in consequence of these patents. The right hon. gentleman had attempted to cast obloquy upon the present applicants, in consequence of their now persisting in an application which he said had been previously refused by the King in Council. From the general candour which the right hon. gentleman had pursued in the preceding part of his argument, he should have scarcely expected such a declaration as this. One would suppose, from hearing him, that the question which had been objected to by the Privy Council, had been that of expediency; whereas the fact was, that their only objection was to the *mode* of the application. They refused to grant the petitioners a *charter*, on the ground that it would be giving them an advantage over the existing Theatres. The Privy Council in this step had taken the opinion of the Attorney and Solicitor General; which opinion was merely on the point of justice in erecting a Charter, and not on the point of expediency in granting a new theatre. It was very far from the wish of the present applicants to take advantage of the calamity which had involved the interests of Drury-lane, or to prevent its proprietors from ever emerging from their difficulties—they had no such wish; so far from it, that he would say, and he believed he had interest enough to effect his proposal, that if the right hon. gentleman would declare that he believed the re-erection of Drury-lane was probable or possible, the present Bill should be suspended until the point was settled. (*Hear, hear, hear!*) Let the right hon. gentleman only make his personal declaration, that the re-establishment of Drury-lane was not impracticable, and the Bill should be for a time withdrawn. He did not mean to say, that the projectors would thereby pledge themselves not

again to come forward in case they found it expedient ; but he wished to shew that they were willing and anxious to give the right hon. gentleman every opportunity of repairing the misfortune which had involved the interests of so many sufferers. (*Hear, hear!*)

*Mr. Whitbread* said, he should beg the attention of the House, till he offered a few observations on the subject. He had no interest in the Drury-lane Theatre, more than the share he took in the general calamity that had befallen the proprietors, and the very great personal regard and affection he had so long entertained for his right hon. friend near him (*Mr. Sheridan*), who had so large a stake in that concern ; but if he even had not previously had that regard, the dignified manner in which his right hon. friend conducted himself on receiving the first intelligence of that melancholy disaster, which happened to be in that House, and which must be strong in the memory of many members who were then present, would have impressed him with the most lively interest in his favour. Theatres were places concerning which he had but a very small personal knowledge ; but his name having been inserted in the Bill with those of many others of his friends, he had felt it a duty incumbent on him to give it his utmost attention ; and he had the satisfaction to inform the hon. gentleman behind him, who had just sat down, that there is at this moment a very great probability of Drury-lane Theatre being re-established. Terms had been proposed to the renters and share-holders ; great numbers had accepted the proposition, and there were reasonable grounds to hope the remainder would do the same. He did not wish, therefore, now to oppose the second reading of the Bill, the gentlemen concerned in which had conducted themselves in so truly satisfactory a manner ; but he would propose that they should defer the second reading till this day six weeks, and in the course of that time he had no doubt it would be fully ascertained whether Drury-lane Theatre would be rebuilt or not. Should it turn out that it cannot be effected, the gentlemen concerned in the present Bill would have time enough to proceed in it during the present Session ; and in case Drury-lane should be rebuilt, they may, at the end of the time proposed, either take the sense of the House on the second reading, or withdraw it till another Session, as they might then deem it most proper and desirable. He concluded by moving, that the second reading of the Bill be deferred to this day six weeks.

*The Speaker* having put the question on the amendment, *Mr. Mellish* said, that not having an opportunity of conversing with any of the parties at whose instance he had undertaken to bring in the Bill, he did not feel justified in acceding to the proposition made by the hon. gentleman, though he felt every disposition on his own part to do so: but if the hon. gentleman would consent that the second reading should stand for any day in the course of the next three or four weeks, till he could consult those who had entrusted him with the management of the Bill, he thought they might be induced to accept the mode proposed.

*Mr. Whitbread* said a few words across the table, which we could not hear.

*Mr. Mellish* said, he would leave it to the sense of the House.

The question was then put, and *Mr. Whitbread's* amendment was agreed to.

#### BRIBERY BILL.

*Mr. C. Wynne* said, that he had last year stated the reasons on which he brought in his Bill in so full a manner, that as there was then no opposition to it, and this was only a copy of the same, he had flattered himself he need not trouble the House to go into any detail at present. Having, however, understood that it would this night be contended there was no occasion for such a Bill, he hoped he might be permitted to enter into some details as to the nature and extent of the present Bill. He then proceeded to enumerate the various statutes which the House had thought proper to pass, from time to time, for the punishment of bribery, and for the security of the freedom of election. Still he said, ways and means had been found to evade those several acts, especially by the defects which existed in them as to the mode of giving evidence of the fact—one of his clauses would, he flattered himself, remedy this defect. There were also many tricks played on the subject of penalties incurred under these acts. If a person, knowing himself liable to several penalties, pointed out another who was also concerned, and a penalty was recovered from him, the other party escaped from all he had committed. It had been proved already, that one member had saved himself by this trick. Another of his clauses would go to that point. When the late Act against bribery, which passed two years ago, was first brought in, it was argued against it that the

country had arisen to its then state of prosperity under the system which had antecedently prevailed, and that there was no occasion to alter the law on that head; but this argument did not prove satisfactory to the House or to the Country, and the Bill passed into a law. Still, however, it had been found, that Act was not sufficient; for since it was passed, seats had been bought and sold. He did not wish to enter into details on these matters—they were very disagreeable; but if gentlemen of that House would give them due consideration in their closets, they must be convinced of the necessity of a bill which will more effectually prevent the progress of bribery. He hoped that House would agree to let this Bill go to a Committee, in which they would be able to go into details. After that, if they should not think it necessary to proceed any further, he should severely lament the passing of the Bill on this subject two years ago, by which the House was in a manner pledged to follow up the business, and, if possible, make that Act effectual. If they did not, they would desert their own pledge, and render the Act a mere *brutum fulmen*; and it was easy to foresee what opinion the public would form of such conduct, and the clamours which would ensue in consequence of it.

Mr. Brand objected to the principle of the Bill, on the ground that no good could arise from it, unless the House went into a general and comprehensive view of the subject. He thought his hon. and learned friend would find great difficulty in applying partial remedies to general evils. It was his (Mr. B's) intention, very soon after the Easter recess, to bring in a Bill on this subject, on a much more extended scale, for the remedy of this evil. The common tricks at general elections were too various and numerous to be reached by such a bill as that now before the House. Anxious as he was to bring forward a plan for a moderate reform in the representation of the people, his hon. friend might rest assured he would lose no time in bringing forward his measure; and as that would embrace the subject in a more extensive way, he hoped his hon. friend would consent to withdraw his bill.

Mr. Johnstone objected to the Bill. The hon. gentleman had said, that seats in that House had been bought and sold since the passing of the Act on this subject two years ago; but he had not mentioned the places; there was no evidence of it, and he (Mr. Johnstone) did not believe the fact. The clause in the former Act was for the purpose of discovering

**bribery** It was said that the provisions of a subsequent Act screened persons that had been guilty of bribery. If gentlemen would, however, consider the Cricklade case, they would see that a noble personage implicated in those practices was not screened by it, but paid at least 20,000*l.* in penalties. Although there might be an instance of a single member having screened himself in the way alluded to, yet it was not worth legislating for a single instance. He objected, however, principally to the fundamental change that this Bill would introduce in the law of evidence, by compelling witnesses to criminate themselves.

*Mr. Curwen* was surprised at finding, that his hon. friend (*Mr. Brand*) thought, that nothing short of radical reform would do good, but should rather be opposed as likely to do mischief. However attached he was to the principle of a reform in the representation, he was not sanguine enough to think, that any great change was now practicable; nor did he believe that among those who were most anxious about it, many could be found whose opinions agreed as to the sort of change they would wish for. As to the Bill which he had had the honour of bringing in on a former occasion, after all the alterations which it had met in the House, he had very slight hopes of its being efficient; but he had hoped that other men of greater talents than himself would have taken up the principle of that Bill, and the declaration of its preamble, to which the House appeared pledged, and introduce measures more likely to be efficient. As to the hon. gentleman (*Mr. Johnstone*), who now said something of moderate reform, that gentleman had been the first to object to the Bill he had brought in. It was notorious, however, that the House of Commons did not at present enjoy that degree of respect and attachment of the people which a House of Commons ought to have. It was impossible to defend the manner in which the House of Commons was now formed: he should, however, be content, if he saw a gradual but constant progress to reform it. It appeared to him, that if even one single case could be shewn where a Member of Parliament had actually screened himself from the penalties of the laws against bribery, by the trick of turning informer against some other person, and being thus himself indemnified, that single case would be ground enough to induce the Legislature to take measures to prevent the recurrence of such a shameful case. He thought that a person implicated in such transactions ought not to be permitted to sit in that

House. He thought that this Bill ought at least to be permitted to go into a Committee, in order that it might have the fullest discussion. If they were to get rid of this measure without a full discussion, they need not expect that the people at large would believe that it was, that their purity was so great that no reform was necessary. On the contrary, they would say, that it was their corruption, which was such, that they feared the introduction of any measure of reform, and were determined to oppose it.

*Sir John Anstruther* could not avoid observing, that the hon. gentleman who spoke last (*Mr. Curwen*) had, through the whole course of his speech, treated this Bill as a bill for parliamentary reform, instead of a bill applying to the particular laws respecting bribery. If the hon. gentleman had brought it in as a bill of parliamentary reform, he should give it that opposition which he always had given, and always should give, to any bills which proposed to alter the present mode of representation in Parliament. As to the charge, or rather threat held out to them, that if the House were to reject this and similar measures, they would lose the confidence and affection of the people, he could only answer, that whatever the House in its sober judgment, after mature deliberation, thought was proper to be done, that it was their duty to do without regarding whether it was pleasing to the people or displeasing. He thought the House should not introduce into legislation, a principle not only new, but very dangerous. The law of evidence now, in all criminal cases, is, that no persons can be called upon to disclose facts which would criminate themselves. This principle so universally pervaded our law, that he believed the hon. gentleman could not shew an exception. (*Mr. Wynne* here said, the Statute about Gaming). It was true, the Statute of Gaming, passed in the 2d of Anne, did compel persons to disclose such transactions in their answers to a bill in equity; but as it gave the Court no power to make a decree upon such a disclosure, the statute had, in fact, never been acted on. Although a witness might be indemnified from punishment for such disclosure, yet what could indemnify him for the loss of character, which in some cases his confession would expose him to? He also objected to this new principle, because he was convinced, that it would hold out a great temptation to perjury. In other cases where the only witness is an informer, he comes into a Court of Justice with an odium attached to his character, which makes his testimony not received so readily. But when a person was

compelled by law to come into a Court, and give evidence, all this odium was removed. A single witness would therefore have in this case a great power, either of convicting a person to whom such witness was hostile, or of acquitting any person to whom he was friendly. If this principle was once introduced, it would be impossible to say how far it might be carried. Why might it not be as well applied to every other species of crime which is perpetrated by several persons in conspiracy? He thought upon the whole, that the Bill would rather tend to promote perjury, than to prevent bribery.

*Sir John Newport* was not surprised that those gentlemen who at all times, and in all stages, opposed reform, should be inimical to the present Bill. It would be difficult, indeed, to bring forward any species of reform which could meet their support. If a resolution was proposed, then they professed themselves averse to abstract declarations, and called for some specific detailed plan. If, however, any specific detailed measure, tending to reform the representation, was proposed, they would hardly discuss or allow it to go into a Committee. Most of the objections which had been made, were to clauses which would be discussed more properly in the Committee. Those who were inimical to all reforms, naturally wished to postpone every attempt of this nature. Those who had opposed the Grenville Act, when it was before the House, yet after it was passed professed to admire it, and in answer to any proposed improvement they would say, What, have we not the Grenville Act? In the same manner, those who had opposed Mr. Curwen's Bill, now appeared to praise it, and said, Cannot you wait seven years longer, and try the effect of it? If the principle of Mr. Curwen's Bill was not to be followed up, that Bill (altered as it was in that House) must have done more harm than good. It could have served no other purpose, than to blind the people with the supposition, that something was doing for the cause of reform, when in fact nothing had been done. He thought the Bill ought at least to be allowed to go into a Committee.

*Mr. Morris* spoke against the Bill.

*Mr. W. Wythe* said a few words in reply, and the House divided—

Ayes	.	.	.	.	.	.	.	17
Noes	.	.	.	.	.	.	.	64

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Majority against the second reading, 47

The Militia Enlistment Bill was ordered to be considered to-morrow.

## SUPPLY.

The House resolved itself into a Committee on the Irish Supply.

*Mr. Foster* moved that 25,000*l.* be granted for the Criminal Prosecutions, and other law expences in Ireland for 1811.

*Sir John Newport* objected to the magnitude of the expence; and, in answer to some observations from *Mr. W. Pole*, said that he would not be put down by any man, and that the honourable gentleman (*Mr. W. Pole*) spoke not merely with the haughtiness of office, but with the hereditary arrogance of his family.

*Mr. W. Pole* replied.

*Mr. Foster* then moved a grant of 1200*l.* for printing and binding several Acts of the 51st of the present King.

2500*l.* for apprehending Offenders.

948*l.* 9*s.* 4*d.* for the support of Non-conforming Ministers.

1047*l.* 10*s.* 2*d.* for the expences of Pratique.

10,000*l.* to the Board of First Fruits.

379*l.* for Seceding Ministers.

4000*l.* for Treasury Incidents.

10,500*l.* for publishing proclamations in the Gazette and newspapers.

*Mr. Parnell* objected to this sum, as merely for the purpose of bribing the Irish press.

*Mr. W. Pole* stated, that the grant was absolutely necessary; that it had been drawn within the closest limits possible, and that the real expence exceeded the grant by Parliament. The expence of this year would be 15,000*l.*

After some observations from *Sir John Newport*, *Mr. Parnell*, *Mr. Ponsonby*, and *Mr. Grattan*, the motion was agreed to.

32,447*l.* was next moved for the expences of the Board of Works in Ireland.

After a short discussion, the vote was agreed to.

A variety of sums were then voted, upon many of which some conversation took place.

The House having resumed, the report was ordered to be received the next day.

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*Mr. Hutchinson*, before the House had resumed, took an opportunity to allude to a rumour which he had heard, that it was in contemplation to remove the Irish Chancellor of the Exchequer, and to ask the right honourable gentleman opposite, whether in that event it was his intention to abolish the office altogether, or to merge it in some other office. In the present state of the country, it was extremely desirable that every possible saving should be effected.

*Mr. Foster* thought the question of his honourable friend out of order, and should only observe in answer, that he trusted the Irish Chancellor of the Exchequer would not be put upon his trial, or condemned without a fair hearing.

The other orders of the day were then disposed of, and the House adjourned at one o'clock.

## HOUSE OF LORDS.

TUESDAY, MARCH 26.

### BATTLE IN SPAIN.

*The Earl of Liverpool* rose, and gave notice of his intention to move, on Thursday next, the Thanks of the House to General Graham, and the army under his command, for their conduct in the recent action at Barrosa, in Spain.

### LIBERTY OF CONSCIENCE.

On the order of the day for the second reading of the Bill "for the better security of the Liberty of Conscience,"

*The Earl of Liverpool* rose, and briefly stated his objection to the Bill, on the ground of its being totally unnecessary, as the regulations of the army provided for all that the Bill professed to enact. His lordship intimated his intention to move, that it be read a second time on that day six months.

*Earl Stanhope* then rose, and spoke at considerable length, and with much animation, in support of the second reading, and the committal of his Bill. When he first proposed a clause to the same effect in the Mutiny Bill, he was told that it would be better to make it the subject of a statute. He had done so. On former discussions, he had

the satisfaction at least of finding, that no one was hardy enough to dispute his main proposition respecting the rights of conscience, and the folly and crime of coercing wantonly, or preventing, the exercise of those rights. There being that universal assent as to what ought to be done on this subject, he had since proposed by a Bill, as he did then by a Clause, to place that which was right on the solid footing of the law of the land, and not to leave it any longer at the mercy or caprice of any individual, or any set of individuals. He could hear no kind of reason why this could not be done, as in justice it was called for. He could get no arguments. The noble Lord opposite (Liverpool) contented himself with saying it was unnecessary, and that a declaratory enactment threw out doubts—the strangest way of understanding a declaratory enactment that he had ever heard of. The noble Lord was so shy of arguments, so shifting and changing in his grounds, and yet so much afraid of coming to the point, that it would seem as if he had been studying *Hudibras*; and had learned that—

“The man who fights and runs away,  
“May live to fight another day.”

—But the noble Lord flinched from arguing the question, knowing that—

“He, who is in battle slain,  
“Can never rise to fight again.”

—As to the argument, that there was no necessity for the Bill, it was quite untenable. If it was fit that freedom of conscience should exist in this country, what was the objection to making it so by law, that every man might know it, and assert his right without fear, doubt, or danger? He had already mentioned to the House the policy as well as the justice of the measure; and had reminded them, that during the first fifteen years of this reign, above 1300 places of worship were licensed under the Toleration Act; and in the last fifteen years, above 7000; in the whole reign, above 12,000; which was a greater number than that of all the places of worship, taken together, belonging to the Established Church in England, properly so called. There were the Scotch Presbyterians, and in Ireland ten to one of Dissenters of all sorts, compared with the number of those of the establishment. In our army and navy, the number of Dissenters was in a still greater proportion. Those men

were fighting the battles of their country, and keeping us in safety; and was it just and prudent that they should be so treated? The soldier had great duties to perform. He had his duty, in common with others, to his country, his duty to his King, his duty to obey his Officers; and further than this, his greatest duty, if he was a religious man, of worshipping God according to his own conscience. This was one of the inalienable rights of man, which he could not give up to another, and which no other had a right to usurp from him. What could be the object of opposing a law to establish its free exercise? Was it that the general orders might at some not distant day be altered as it may suit the views of men in power? He was determined to persevere in a matter which concerned immutable justice. The hydra of oppression was enormous and powerful. It had many heads with long necks that required to be struck off, and then, even if not watched, would spring up again. Some of these heads he had already lent his helping hand to cut off. There was the hydra-head of the infernal slave-trade, which was at length cut off with great trouble, and after a long time. The noble Earl enumerated several other instances, till he came to the practice under the debtor and creditor law. That head was likely to get a blow at no long period hence. Then there were the delays in the administration of justice. That head too, he hoped, would soon be lopped away. There was also the intolerant practices respecting conscientious persons of different religions. That head must submit to the same fate. But it was only by perseverance that the monster, the hydra, could be effectually crushed. What was the authority of the noble Secretary of State, who said such measures were unnecessary? What were his great qualifications which gave him that authority? He might have more talents, and learning, and wisdom, than he (Earl Stanhope) could presume to pretend to. But where were they to be found? Was his humanity to be found in the abolition of the inhuman slave-trade, which abolition he always opposed, till at last Parliament, by a sacred law, carried it, voting that to be inhuman and unjust which he had always supported? Was his foresight to be discerned in his once projected march to Paris? Was his superior policy to be seen in our commercial credit, in his setting the world by the ears, and his wise management of the quarrel with America? Were his liberality and his justice to be found in his refusing to make

a law of that freedom of conscience, which he could not deny ought to be law? Some good, however, had accrued from endeavouring to get this matter discussed. The Minister, after what had passed, and what he had been compelled to admit, dare not presume to act in this respect contrary to the rights of conscience, against a fellow-subject. He begged the Right Reverend Prelate's attention to the rights of conscience. Suppose any of their lordships, they being all Protestants as he himself was, was to be at Constantinople, where the established religion was Mahometanism, or in Spain among the Catholics, or in some town inhabited by Jews, and they were ordered to attend at the mosque, or at the mass, or in the synagogues, how would they like it? What would they say of such oppression?—Let them, therefore, do as they would be done by! Suppose many of these great bodies of Dissenters of various sorts were to be harassed in their religious feelings, who could answer for the consequences? There were people in this country who knew better when they had cause of complaint than to assail power in its strongest places, and that was very natural when there were weak or sore places to attack. It was no use to attack Achilles upon his face, or his arms, his breast, or his thighs, for there he was invulnerable: but he could be hit upon the heel, and there the fellow was vulnerable. Now there were some things which in certain cases might draw the notice of some people. There were such things as tythes, which the farmer and the landed interest were not remarkably fond of. He mentioned such possibilities as fit for their lordships' consideration. He explored all their lordships to weigh the subject of this Bill maturely. Let them figure to themselves the possible case of an officer having ordered a man to a church contrary to the man's conscience, the officer possibly not knowing of the general order. Suppose the man refused to go, saying, "I won't." Suppose a scuffle ensued, and either the officer or the private should lose his life in the fray? Would it not be a shocking case? Why not make a law, and provide the best remedy they could against the possibility of such alarming dangers? What a dreadful degree of irritation might be occasioned by our present system! Under the forms of courts-martial, the most dreadful punishments were sometimes inflicted. He then read a proclamation of Governor Hislop, in Trinidad, proclaiming martial law there. He read also part of an account of a person who

was sentenced to lose both ears, and to lose his life if he returned to the island. After various other observations, he pressed on their Lordships' minds the importance of the subject. The rights of conscience were equal to all : and it did not become them to judge for, and coerce others. They were now in their robes—soon they must be in their shrouds. They should think of the short space of time allotted to them here—of the small place they occupied in this world—of the insignificance of this world, and the whole solar system, compared with that universe around us, in which God reigns! They should reflect on what they owed to others as well as themselves, as part of the duty they owed to that great Being, besides whom there was no other Being worthy consideration. He washed his hands of all the ill consequences that might happen.

*Lord Redesdale* replied to *Earl Stanhope*, and said, the affairs of Trinidad had no application. There was sufficient security already by law for the desired purpose. The Legislature had already removed the disabilities from Catholics as far as to its wisdom seemed prudent. He believed the Catholics in general were satisfied on the points the noble *Earl* had spoken to, whose speeches on these subjects had a tendency to bring the established Church into odium and ridicule, and gave a preference to the character of Dissenters.

*Lord Holland* very ably defended the principles of *Earl Stanhope's* Bill, and declared the right of conscience to be one, which no Church, State, or King had a right to take away.

*The Earl of Carlisle* spoke in favour of the Bill.

*Earl Stanhope* defended himself from the charge of casting imputations on the Church of England. He complained of the manner in which his clause and Bill had been treated by noble Lords, who put him in the situation of the butcher with the two thieves, one of whom stole the butcher's meat and gave it to the other. When the man wanted his own, he that took it had it not, and he that had it did not take it. (*Laugh!*) He concluded with a variety of arguments.

On the motion of the *Earl of Liverpool*, the second reading was postponed till that day six months.—Adjourned.

## HOUSE OF COMMONS.

TUESDAY, MARCH 26.

A member moved the second reading of the Spilsby Poor Bill on this day month.

*Sir Samuel Romilly*, after reprobating the Bill as introducing solitary confinement and flogging as ordinary punishments, and stating some instances of similar cruelty in other Poor Bills, moved, that the Bill be read a second time this day six months, which was carried without a division, and the Bill was lost.

## CHARITABLE DONATIONS.

*Mr. Lockhart* rose for leave to bring in a Bill to secure the due appropriation of bequests for charitable purposes. The measure had been brought before the House in the last session by an honourable member (*Mr. Wilberforce*), and it was to be hoped that it had then been only delayed. The measure appeared to him (*Mr. Lockhart*) of great importance. There was on the journals a report of a Committee appointed to examine into the amount of those bequests. The Committee found that they amounted to above 40,000*l.* a year, and 250,000*l.* in the Bank. They observed, that a longer search would probably discover much more; that many bequests were lost, and many in danger of being lost, from lapse of time. The remedy proposed for this great evil was simply the registry of all bequests, by which they would come distinctly before the public eye. This publicity would raise the value of the leases and other property, by exposing that to the general competition of purchasers, which was now too often leased out to favourites and friends. The property, which in 1786 was 250,000*l.* was now probably half a million.

*Mr. Wilberforce* seconded the motion. The measure appeared to him of immense importance. Those bequests were the property of the lower orders; and it became the House to shew to them, that their property was an object of public care.

*Sir S. Romilly* had no intention of opposing the motion; but the registry would not cure the abuse. The cause was not want of publicity, but of an appropriate legal remedy. There was now actually no remedy at law. What was the course for recovering one of those bequests? An information in Chancery must be filed in the Attorney-General's name; and to carry this process onward, some person must

volunteer the invidious and troublesome office of standing up as a champion for the rights of the poor, against the corporation or other parties. He must subject himself to the payment of costs, in case of failure; as in case of success, he could only look for his costs to the bequest: but here, by the necessary forms of Chancery, he might be retarded for years. No man would therefore be found to interfere with this perilous and expensive office; and until a remedy to the present course of law was found, no remedy could be found to the evil complained of. But let Parliament empower the Lord-Chancellor to proceed upon petition in the case, by virtue of his visitatorial capacity, and the remedy would be full, immediate, and effectual.

After a few words from Mr. W. Wynne, leave was given to bring in the Bill.

#### MILITIA ENLISTMENT.

*Mr. Ryder* moved that the Militia Enlistment Bill be committed. The House accordingly resolved into a Committee on the said Bill (*Mr. R. Wharton* in the Chair).

A long and desultory conversation then took place on going through the several clauses, and many amendments were proposed and agreed to. The speakers were the Chancellor of the Exchequer, *Col. Bastard*, *Mr. Giles*, *Mr. Ellison*, *Sir Peter Murray*, *Mr. Ryder*, and *Lord Castle-reagh*.

After the various clauses were gone through, the report was ordered to be received on Monday.

#### COMMITTEE OF SUPPLY:

The report of the Committee of Supply, containing several Resolutions respecting Irish grants, was brought up.

*Mr. Hutchinson* said, that there was one Resolution which he wished to have postponed for further consideration. The Resolution to which he alluded was that respecting the limited grant to Maynooth College, the only one in Ireland, for the education of the Clergy of four millions of the people of Ireland. If that was postponed, he did not mean to oppose going into the rest.

*The Chancellor of the Exchequer* observed, that in this stage the grant could neither be increased or decreased. If the honourable gentleman wished to alter the amount of the grant, he should rather propose a recomittal than oppose it on the report.

*Mr. Hutchinson* said, that in the Resolutions just read,

they had voted a sum little short of 200,000*l.* for Dublin charities, improvements, and other matters of local expenditure connected with Dublin merely, exclusive of one or two charities of a more general nature, as the Foundling, Hibernian, Marine, and Protestant Charter Schools; with the exception of these, the above sum was devoted to the local purposes of Dublin, while the sum of 2500*l.* was thought enough for similar objects in the city of Cork, the second city in Ireland, and, perhaps, the first naval station in the Empire, to say nothing of its great and extensive commercial interests. It would be far from him to attempt to oppose in any way the liberality of Parliament in aid of the charities or interests of Dublin—but he could not help thinking, that the disproportion between the grant of 200,000*l.* to the one place, and 2500*l.* to the other, was out of all rule, and by no means to be warranted by any corresponding difference between the respective claims of those two great cities? The Government had been annually expending vast sums upon the fortress of Spike Island, near Cork, whether judiciously or not remained yet to be proved. The object of this work, however, was avowedly public and general, not local, not to be considered as done for Cork only, or affecting it merely. He begged leave, however, to throw it out for the future consideration of Ministers, the propriety of applying some portion of those large grants to the opening the communication between that fortress and the city of Cork. This, he was prepared to state, could be effected by a few thousand pounds—by a very small portion of the thousands wasted in obsolete Dublin Proclamations—and if this communication was opened, it would be not only of great and extensive public utility, but of signal local benefit to the city of Cork—a consideration which, he hoped, would ever have due weight with the Minister for Ireland.

*Mr. Foster* denied that the 200,000*l.* was granted to Dublin solely. The Foundling and other Institutions were of general, not local, or Dublin interest. Besides, if Cork wanted help, was she not able to help herself—if she wanted aid, she might come to Parliament and ask it.

*Mr. Hutchinson* replied, that he had not said that the whole sum was devoted to the mere local benefit of Dublin: so far from saying this, he had excepted the charities mentioned by the right honourable gentleman. He spoke generally. He repeated, that he thought much less money would be more advantageously expended in the instance he

had given. He expressed his hope that the right honourable gentleman would think it worthy some consideration hereafter, and would also agree to contribute more largely than Parliament had yet done to the Cork charities. He knew them to be excellent institutions, and earnestly trusted they would not be let to fall into decay for the want of that timely aid which he was sorry to say they stood much in need of. He hoped that the Irish Grants for the future would not in general be so much confined to the capital.

*Mr. Foster* was rising, when

*The Speaker* interposed, and said the question now before the House was, that the other orders of the day be now read.

The resolutions respecting the several Ordinary and Barrack Estimates were then read and agreed to, and the report ordered to be received to-morrow.

The other orders of the day were then disposed of, and the House adjourned.

## HOUSE OF LORDS.

WEDNESDAY, MARCH 27.

The Exchequer-bills Funding Bill, and the Militia Indemnity Bill, were read a second time, and committed for to-morrow.—Adjourned.

## HOUSE OF COMMONS.

WEDNESDAY, MARCH 27.

BULLION COMMITTEE.

*Mr. Abercromby*, in the absence of an honourable friend, (*Mr. Horner*), gave notice that his honourable friend would, on the 5th of April next, move for referring the report of the Bullion Committee to a Committee of the whole House.

### CASE OF MYLER.

*Sir John Newport* stated, that a *Mr. Myler* had deposited a certain quantity of wine in the Custom-house of Dublin, and paid 750*l.* of duty on part of it; but that he had not been able to get 57 pipes back. He had made many fruitless applications at the different offices in Dublin, without success, and when at last he had recourse to a Court of Law, he was met by the plea that all actions of the nature were limited to three months after the period when the injury was said to be sustained; although it so happened in this parti-

cular case that the delay was altogether occasioned by the refusal of the Irish Government to afford redress. He therefore moved for copies of all memorials, &c. addressed on that subject to the Law Officers of the Crown, &c. in Ireland.

*Mr. Foster* never heard of the circumstance, which he supposed must have taken place many years ago. He did not wish to meet this motion with a negative, but he wished it to be postponed for a fortnight.

After some conversation between Sir John Newport, Mr. Foster, and Mr. Croker, it was agreed that the motion should be postponed for a fortnight.

## MAYNOOTH COLLEGE.

*Mr. Hutchinson* said, he did not consider any apology to the House necessary for his excepting last night the resolution respecting Maynooth College from the other resolutions agreed to in the Committee of Irish Supply, because the education of the Catholic clergy of Ireland—a clergy who had the charge of four millions of souls entrusted to them—was an object of sufficient importance to deserve the most serious attention of the House. Though he was likely to run the risk of appearing tedious to some, as he was now addressing many gentlemen who were not in the Committee, he should take the liberty of repeating several of the facts there stated by him. The College of Maynooth was established by Parliament in the year 1795, for the education of 200 Irish Catholic students. For this purpose, the sum of 8,000*l.* was then granted. Prior to that period, he was sorry to say, such was the want of humanity in the government of Ireland, that it was necessary for the Catholic students to seek for education in foreign parts; and when the grant in 1795 took place, not fewer than 500 students were on an average educated abroad. As the institution, however, was new, it was not thought proper to provide at first for more than two hundred students. As the French war, however, continued, and the French power was every where established, the Irish Catholics were driven out of every corner of Europe; and in 1806, and 1807, the then Ministry thinking it expedient that the number of scholars should be increased to 250, came to Parliament for an increase of the grant to 18,000*l.* The first act, however, of the Non-popery Administration was, to obtain the sanction of Parliament to a reduction of one-third of this sum. He could state from his general knowledge, and he believed he would

not be contradicted, that the College was not provided with such professors as was necessary for the proper education of the Irish Clergy, though good professors could easily be obtained if any thing like an inducement were held out. Government have allowed, in their liberality, the sum of 25*l.* per head for the professors; and students equal to 16*l.* per day; and yet they called on the House to vote to mere day-labourers in the Dublin Society-house, 1*s.* 8*d.* per day. Could there be a greater indecency than such a paltry allowance to those professors, who ought to be among the most learned men in Europe? Could any thing be more indecorous than such an allowance? While they were allowing the librarian of the Maynooth College only 20*l.* a year, they had thought proper to allow the sub-librarian of the Dublin Society 150*l.* a year, and 34*l.* a year to its chambermaids and porter. He had stated last night, that all the other Irish grants were considerably increased, while this alone was reduced. The Protestant charity schools had obtained an increase of 10,000*l.* a year. He did not wish to say any thing against these schools; but he thought it strange that while they were allowing 59,000*l.* to the Protestant charity-schools, consisting of 2,300 boys, they should allow only such a miserable pittance to those who have the charge of the morals of four millions of subjects. There was voted the other night to the non-conforming ministers and seceding clergy of Ireland, 13,200*l.* who represent only about half a million of the Irish population, while 4,000*l.* was deducted from the allowance to those at the head of four millions. What he had to complain of was, that the Ministry should come to the House with false pretences, professing the utmost œconomy, but practising, in reality, the greatest profusion, with the exception of this penurious allowance. The other night 10,000*l.* was granted for the printing of proclamations. From this sum 6,000*l.* might safely be deducted. He was prepared to prove that this sum had been used for the most unworthy purposes. 23,000*l.* was voted for stationary to the chief and under secretary's office. Of this, 10,000*l.* might safely have been given the Maynooth College. 32,000*l.* had been given to the Board of Works. The greater part of this sum was employed in improving the houses of persons attached to the Irish Government. What a contrast between the profusion of these allowances and the miserable pittance to the Maynooth College! Various other sums were given for objects of small importance: for instance, 2,300*l.* to the

lottery-offices. What an object to come in competition with the moral education of a nation! If they wish to œconomise, here is a hold for them. He was told the other night, by the Chancellor of the Exchequer, that the College had obtained all that it asked. In this there was a great deal of duplicity. He had no doubt that the present Government had not been applied to for an addition. Why should they apply for an addition to a Government which was reducing their present allowance, and which was making the most illiberal attacks on the whole Catholic body? A number of queries had been put by the Irish Secretary to the College, respecting the number of pupils and professors, the amount of contributions, the regulations of the College, &c., but no query was thought proper to be put, whether the allowance from Government was adequate to supply a sufficient number of clergymen to the Irish Catholics. If 500 students were requisite in 1795, surely the same number must be requisite at present, when the Catholic population of Ireland is greatly increased. The right honourable gentleman (Mr. Perceval) showed last night a degree of irritation against the institution, while he expressed a wish that it had never been established, that he could hardly have expected from him. However he might differ from that right honourable gentleman on the subject of emancipation, he had yet too much respect for him to think that he could ever seriously entertain a wish that the Catholics of Ireland should be irreligious. Whatever their religion was, in his opinion, surely it was better that they should be instructed in that religion—that they should be religious, than irreligious. He really could hardly conceive any person so bigoted, as to be of a contrary opinion. Bigotry and ignorance could alone conceive the diffusion of education and instruction among the members of any religious society incompatible with the security of the British constitution. Such a doctrine was the offspring of that spirit, which, beginning in plunder, ended in persecution;—the spirit which prohibited intermarriages between the different bodies of the same community;—the spirit which stirred up the father against the son, and the son against the father, and which prevented the education of the majority of a nation under pain of transportation. If this should be doubted, he could produce living witnesses to declare that they were compelled to seek their education among the rocks and woods for fear of transportation. Although he

could not impute such a spirit of persecution to the right honourable gentleman, yet, from the antipathy which he manifested to this institution, he could not but think, if he continued long to be minister, it were sincerely to be wished that he should change his sentiments. Would he prefer an education of the Catholics in a foreign land to an education at home? If not, why quarrel with the institution?—why throw out against it such illiberal insinuations? When he recollected the practice of the House of Commons in similar circumstances towards mere strangers, he was astonished at this neglect of their Catholic brethren. He could state, that there was a great deficiency of Catholic clergymen in Ireland, and he would appeal to the House in behalf of a people every way worthy of their attention—in behalf of a people who were once in a state of civilisation compared with the rest of Europe, who diffused their learning and knowledge to other nations, and whose former literary fame is on the record of several of the universities of Europe. Search the records of the universities of Munich, St. Gall, Padua, and Paris; nay, search even the records of your own universities, Oxford and Cambridge, and it will be seen how great is the obligation which science and literature owe to the professors and learned men from that country, to which they now refused a liberal grant for an establishment, which had for its object the education of those who are to inculcate the doctrines of Christianity among four millions of their fellow-creatures, whom, while they were calling brethren, they were treating worse than the negroes of Africa, or the Hindoos of India, towards whom they had exerted themselves for the extension of the light of the Gospel. He would read an extract from an English historian, showing the protection which Ireland afforded to this country in the dark ages. Lord Littleton, in his history of Henry the Second, (quarto edition, p. 26), says, “About the middle of the 7th century (says the venerable Bede), numbers both of the nobles and of the second rank of English left their country, and retired into Ireland, for the sake of studying theology, and leading there a stricter life. All these he (affirms) the Irish most willingly received, and maintained at their own charge—supplying them with books, and being their teachers, without fee or reward.”—“A most honourable testimony (says Littleton) not only to the learning, but also to the hospitality and bounty of that nation.” *IBIDEM*.—“Among many learned

who were driven by the terror of this persecution (that of the Scandinavians) to take refuge abroad, none distinguished themselves more than Albin and Clement, whom the Emperor Charles the Great received in his court, and honoured with his favour. Of the last of these, it is said, by a contemporary German writer, that through his instructions the French might vie with the Romans and the Athenians. John Eregina, whose surname denoted his country (Ere, or Erin, being the proper name of Ireland), became soon afterwards famous for his learning and good parts, both in England and in France. Thus did most of the lights which, in those times of thick darkness, cast their beams over Europe, proceed out of Ireland." Such was the conduct of the ancestors of those Catholics, when the English were in a state of darkness, and the Irish were in a state of comparative civilization—they fed, clothed, and protected them. Would they refuse them this grant of 4000*l.* which could not injure them, or be in any way felt by the State, but which would greatly add to the comforts of this institution? Did they refuse it on a principle of œconomy? On such a principle they could not refuse it, because, on looking to their other grants, they would see nothing but luxury, extravagance, and profusion. He should therefore move for the re-committal of the Resolution.

*Mr. Herbert* (of Kerry) seconded the motion.

*Sir T. Turton* submitted to the House, whether the grant proposed to be made was adequate to the charity to be supported. He thought, that to come at this point, the amount of the grant had been fairly contrasted with the other items voted on the present occasion, as for instance, with the sum of 10,000*l.* voted for the expence of proclamations. It was disgraceful that so great a sum should be voted for such a purpose, and only 9000*l.* be granted to the Clergy, whose duty it was to instruct, or more properly to civilise, the great mass of the country.

*Mr. P. Moore* contended, that in voting a sum to Maynooth College, the House did nothing more than give back to the Catholics a small part of the sum they had paid for the public good. The ends of all governments were for the benefit of the governed; instead of which, it seemed here to be the object to separate the government from the governed, and to render their interests completely indep:n-

dent of each other. This was a thing to be deplored, and it was a calamity daily growing on us.

*Mr. Herbert* explained. The House then divided :

For the re-committal of the resolution . . . . .	10.
Tellers . . . . .	2
	—12
For the original resolution . . . . .	28
Tellers . . . . .	2—80
	—
Majority for the resolution . . . . .	18

## HOUSE OF LORDS.

THURSDAY, MARCH 28.

*Mr. Best*, from the Bank of England, presented the notice issued by the Bank for raising the denomination of dollars, which, on the motion of Lord Grenville, was ordered to be printed.

*Lord Grenville* observed, that there were other papers moved for, comprising the correspondence with Government upon this subject.

*Earl Stanhope* gave notice of a motion for Thursday, relative to the letter of Mr. Pole in Ireland.

### THANKS TO GENERAL GRAHAM.

*The Earl of Liverpool*, in rising to move the thanks of the House to this distinguished Officer, was anxious to avoid the mention of any topic which might have a tendency to create a difference of opinion. Whatever were the circumstances in which General Graham had been placed, there could be no doubt of the skill and ability he had displayed, or respecting the character of the victory which had been obtained over a superior force of the enemy, and which had never been surpassed in the annals of our military glory. In this case there were all the testimonies of victory—cannon taken, standards taken, and three French Generals either taken or killed, more than the whole number of Generals in the British army. In this case also had happened, what had never before occurred, that not one man of the British army engaged in the action was either missing or prisoner. General Graham remained

master of the field for some days, and the victory was in every sense of the word complete. The difficulties of the situation in which the General was placed, had only served to show his ability in a more distinguished light, and that promptitude and decision with which he at once encountered those difficulties, and most gallantly overcame them. Nothing could place in a stronger point of view the superiority of British troops, or more convincingly show that where the numbers of the enemy were any thing near equality, British troops never failed to be victorious. He was happy in this opportunity of speaking of General Graham, who had served under peculiar circumstances, and who had decidedly shown his eagerness to take the post of danger, and his ability to make the post of danger the post of honour. The services of General Graham had been most highly approved of by the Cortes of Spain. He had only one observation to add with respect to the foreign troops under the command of General Graham, namely, a detachment of German cavalry and a Portuguese corps, whose conduct was highly meritorious, and who were spoken of in General Graham's dispatches in the warmest terms of praise. His Lordship concluded by moving,—“That the Thanks of the House be given to Lieutenant-General Thomas Graham, for the distinguished ability displayed by him on the 5th of March, in the action on the heights of Barrosa, by which a signal victory was gained over a greatly superior force of the enemy.”

*Earl Grey* praised the candour with which the noble Earl had brought forward the motion, and was equally anxious to avoid any topic that might produce a difference of opinion. All must concur in the ability displayed by General Graham, in the difficult and embarrassing situation in which he was placed, and in the bravery of the troops so conspicuously displayed in the victory so gloriously obtained. This distinguished Officer, who during eighteen years had been placed under peculiar circumstances of difficulty, had now had an opportunity of showing to the world what those who knew him were fully convinced of, that he possessed eminent ability as an Officer, and above all, that promptitude and decision which were of such peculiar value in the hour of danger; and it was no small testimony of the penetration and judgment of the gallant and distinguished Officer who commanded in the first campaign in Spain, that he had earnestly recommended in

his dying request, the promotion of General Graham. He would not now enter into any question of policy which could tend to disturb the harmony of the present discussion. Ministers must of course be fully aware of the circumstances connected with this subject, and to which he would not now advert, they of course must be convinced, that British blood ought not to be wasted in vain; and he trusted they would not be wanting in those calm but firm remonstrances which those circumstances required, or in the application of those remedies which the situation of affairs called for.

*Lord Mulgrave* could not suffer the question to be put without testifying the satisfaction and the delight which he, in the warmth of friendship, felt at the conduct of General Graham, whom he had long known, and who had formerly rendered him the most important assistance in his professional capacity. In the present instance, the most distinguished ability had been displayed by that Officer, whose merits could not be learned from his own modest official dispatch—he was every where present, animating the whole army, every man of which felt the influence of the spirit of his commander, and acted with the greatest bravery under its impulse.

*Lord Grenville* fully concurred in all that had been said of the brilliancy of the victory, and the distinguished ability of the Commander, and also in the propriety of avoiding the discussion of any topic that could lead to a difference of opinion, the circumstances connected with the situation of General Graham forming a subject of consideration distinct from the discussion of the merits of victory. He could not, however, help observing, that General Graham had, during eighteen years, only met with humiliation, in return for the most ardent zeal in the service of his country; and he trusted that a change had now taken place, and that this distinguished Officer would be rewarded in proportion to the eminent skill and ability which he had so conspicuously displayed. With respect to the foreign troops under General Graham, his Lordship observed, that their conduct served to confirm the opinion he had always entertained, that foreign troops under British Officers, where time had been given for those Officers to exercise their skill and diligence in disciplining the troops, would scarcely be surpassed by British troops in the field.

*The Earl of Buckinghamshire* observed, that this victory,

which so eminently deserved the thanks of the House, was one of the results of that state of efficiency into which the British army had been brought by the exertions of the illustrious Prince who was so long happily at its head.

The motion was agreed to, *nem. diss.*

The Earl of Liverpool then moved, "That the Thanks of the House be given to Brigadier-General Dilke, and the Officers of the Army serving under Lieut.-General Graham, in the action on the 5th of March."

"That this House doth highly approve of, and acknowledge, the services of the non-commissioned officers and soldiers employed in the action."

"That the Lord-Chancellor do communicate these resolutions to Lieutenant-General Graham."

All which motions were agreed to, *nem. diss.*

#### COMMERCIAL CREDIT.

Earl Bathurst moved the second reading of the Commercial Credit Bill, which was read a second time, and committed for to-morrow. His Lordship observed respecting the Bill, that if the commercial embarrassment arose from over-stocked markets, the consequence of excessive speculation, that then such a measure could not be advisable; because to hold out that relief from Government would be given to commercial men under such circumstances, would be removing the salutary check that ought to exist upon excessive speculation. The commercial embarrassment, however, which at present existed, was not wholly attributable to that cause. It arose from the circumstance, that returns had been made from South America for the goods sent there, in produce, to be sent to the Baltic and the European markets, but which, from the circumstances of the Continent, could not be sent there, and were warehoused here. From this circumstance the merchants, and consequently the manufacturers, had become embarrassed; these goods could not be sold except at a ruinous loss, and in the mean time money was wanted by the merchants to pay the bills which they had accepted. The merchants, therefore, and the manufacturers, required time in order to bring their concerns round again to their natural course, and for this purpose it was that this measure was resorted to in order to give the merchants and the manufacturers that time which they required, by rendering them in the mean while assistance from Government.

*Lord King* observed, that the situation of affairs now and in 1793 were extremely different: at that period, the great evil complained of was the want of a circulating medium. Surely no one could now complain of the want of a circulating medium of Bank paper. It was admitted by the noble Earl, that a measure of this nature ought not to be resorted to, to cure the evil arising from an over-stocked market; but if the evil was the want of a market, how could such a measure remedy it? At least it ought to be shewn, before such a measure was resorted to, that the evil was only temporary, and would, in all probability, cease in a certain and no very long period. The noble Lord then asked, what security they had for the sums so advanced; they could only have goods which are at present unsaleable. How could they be judges of what bills were good, and what not? This was entering upon a duty which those whose profession it is to discount bills, had difficulty enough to discharge, and to which they were totally unfit. He could not see the necessity of this measure. The Bank of England have of late years issued much larger sums than they have ever before issued; and one of the causes of over-trading is the excessive issue of Bank paper since the period of the Bank restriction. By this facility the old and established houses have been driven out, and the old and general mode of trading departed from. There has been a connection established between the commercial interest and Government, not more dangerous to the true principles of trading, than to the principles of the Constitution: the West-India merchants are in distress, and the general merchants are in distress, and they are assisted by the Government, and in turn assist the Government.

*Lord Sidmouth* thought the measure in 1793 expedient and necessary; and however much he was convinced of the truth of the principles of the noble Lord who spoke last, the nature of the present distress was such as to justify this relief to a great and irreproachable body of the British subjects.

*The Marquis of Lansdown* said that he could not conceive any measure to differ more from that of 1793 than the present. Then a relief became necessary to the internal credit of the country, while at present that credit was not in the least affected. There was no want of circulating medium at this moment in the country, and the present distress was such as no circulating medium could remedy.

In truth the Government could not interfere in the present difficulties, without violating all the general and received rules of political economy. The report did not touch upon the real causes of the present difficulties. What were the trivial and collateral circumstances in the Report of the Committee, compared with the real difficulties? Could any man hope to see America open to our commerce the year after next? or could any man hope to see the Continent of Europe opened in the course of two years? It was stated in the evidence of one of the greatest merchants in this country, Sir Francis Baring, that such was the facility in obtaining credit in this country, that even persons in the situation of clerks had no difficulty in obtaining it to any extent. It was stated by the Commissioners themselves, that the great occasion of the difficulty was the accumulation of produce and the total want of vent. Now nothing could establish more clearly than this fact the impolicy of the Government, who had prevented the nation who alone could carry that superfluity to the continent of Europe, namely, America, from carrying on that trade, whereby the commodities of our own merchants were a drug in the market. He therefore felt himself warranted in opposing the Bill,

*The Earl of Lauderdale* did not see any grounds for departing from the acknowledged principles of political economy on the present occasion. He thought that the man must be bold indeed who, in the present commercial distress, durst propose the present measure, but bolder still if, on perusing the evidence before the Committee, he could suppose the measure could be productive of any good effect. The reason alleged for the distress in the Report was contradicted by the Magistrates and Merchants of London, who considered that the over-trading to South America was but a very small part of the cause of that distress, and that it was principally to be attributed to the warehousing system. An additional capital could only then add to the calamity. A noble Viscount (*Sidmouth*) had strongly urged the benefit derived from the measure in 1793; but the difficulties then were such as without any legislative interference would have had a favourable termination. To attribute the ensuing prosperity to that measure was like the physician taking credit for a cure which nature would have operated without his assistance. If there is too great facility at present to over-trading, what additional facility must not the additional six millions give? He wished, therefore, that Govern-

ment should abstain from interfering in the trade of the country.

*Lord Ross* alluded to the state of Ireland in 1804, which he contended was similar to the present state of this country. The exchange from May to December, 1804, was seventeen per cent. against this country, and in January of the following year, while the Bank of Ireland issues continued at 2,900,000*l.* the exchange fell to eight and a half per cent.

*Lord Grenville* said that he differed from the noble Earl (Lauderdale) who spoke lately, when he said, that under every circumstance, it was almost impossible to give a decided opposition to the present Bill. He was never accustomed to sacrifice his public duty to any consideration; and he would take upon him to say, that in the long course of his parliamentary conduct, he had never been deterred by any obloquy from stating manfully whatever opinion he entertained on any public measure. He avowed himself ready, therefore, to oppose the present Bill. It was not enough to say that the object of the Bill was desirable, unless it could be shewn that the means proposed were likely to obtain that object. It was in vain to shift off the present distress, because it would infallibly recur with greater additional force. The measure of 1793, instead of being an argument in favour of the present measure, was, in his opinion, an argument against it. With regard to 1793, he owed to the country the avowal that he took a part in that transaction; but he had been long since convinced that it was impolitic; and though the measure had apparently been attended with brilliant success, yet there are several circumstances which shew that that success was not to be attributed to the measure, which had no real application to the evil which then existed. The relief which was given did not apply to the distress at that period. But while the measure did no good, it did much evil, and the greatest evil, in his opinion, was the mischief which would arise from the present act. He hoped the House would allow him to say, that as a great part of the present evil was to be attributed to over-trading, so a great part of that over-trading was to be attributed to over-governing. He conceived that much less of good and much more of harm would accrue from the present measure than the Ministry were aware of. All interference with trade was to be deprecated. It was said by the first merchants in this country, that the greatest nuisance which existed was the Council of Trade. He could wish those principles to be

much less studiously set forth in debate, and much more sedulously enforced in practice. He was ready to confess that the circulation of the country required the most mature deliberation : but while he allowed this, he could not allow that the present difficulties arose, as was stated in that imperfect document, the Report of the Commercial Committee, in the glut of the market of South America. He meant offence to no individual, but he certainly never saw a more defective statement than the statement of that Committee lying upon their table. He defied any man in either House of Parliament to say that that Report contained any thing like a satisfactory account of the causes of the commercial distress. The whole trade to South America would be nothing more than a trifle in comparison with the rest of their trade. The true source of that distress lay in the measures adopted by the Government, interdicting neutral nations from carrying off the produce of the country. The present relief would bring in a short time upon them the Merchants who had profited from it with uplifted hands, praying to be furnished with an additional capital. With regard to the commerce of Europe, there might be some plea for its failure, from the malignant policy of the enemy ; but no such cause could be attributed to the cessation of the American trade. The attempt to assign South America and the warehousing system as the causes of the present distress, was not going to the root of the evil. The truth was, that Government was making efforts greatly beyond the powers of the nation ; efforts which, under any system, would infallibly lead the nation into the greatest difficulties. While the Bank restriction continued, they could have no hope of a termination of the distress. It was in vain to expect of the servants of the Bank, a different conduct from what was to be expected from the servants of any other corporation. For this conduct the Parliament alone were to blame, and not the Bank. He asked if the Bank paper, which had already fallen to the proportion of eighteen to twenty, would be at all increased in value by the issue of six millions of Exchequer-bills, the greatest part of which would come into the hands of the Bank. They were following exactly the steps pursued by every country in a similar state. The celebrated Law, when his paper began to be depressed, kept issuing fresh paper, not till it fell as ours at present, in the proportion of eighteen to twenty, but till the notes were not worth the paper on which they were written. The same

thing happened in the colonies of this country, till Parliament interposed, ordering payment of the paper issued; when the evil stopped, and confidence returned. They had also the recent example of the assignats in France.

*The Earl of Liverpool* said, it was astonishing how great might be the influence of a very small relief judiciously and timely supplied. He entered into a parity of arguments, combating those maintained by the noble Lord who spoke last.

After a few words from Lord Lansdown, the second reading was agreed to without a division. After which the House adjourned.

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## HOUSE OF COMMONS.

THURSDAY, MARCH 28.

THANKS TO GENERAL GRAHAM, &c.

*The Chancellor of the Exchequer* rose, agreeably to notice, to move for the thanks of the House to Lieutenant General Graham, and his army.

*Lord Folkestone* rose to order. He should not for a moment interpose between General Graham and the thanks of that House. He merely rose to request of the House to consider to what situation it was now reduced by the manœuvres of the right honourable gentleman. Certain days had been fixed, on which orders of the day were to take the precedence, and those orders of the day were to be suggested by the right honourable gentleman. Now he came forward on a day when it had been settled that notices were to take the lead, and with a notice of his own, took the precedence of another notice which had stood in the paper for several days before. The noble Lord repeated, that he had no wish to interpose between General Graham and the thanks of the House. He only wished to call the attention of gentlemen to the situation in which they stood. In former times the Crown dictated to the House what they should or should not entertain; the Minister was now to instruct them what they were to discuss, and what not.

*Mr. Perceval* could not by any means admit that the regulation lately adopted by the House had produced, or could produce, any bad effect, especially in a case like the present. He (*Mr. Perceval*) did not claim the right of precedence

because it was a notice of his, but because it seemed to be a matter claiming precedence of every other business, not of an extraordinary nature, which could come before them. He was fortified in this opinion by what had fallen from the noble Lord himself, who had disclaimed all idea of interposing between General Graham and the vote to him of the thanks of the House. If there had been no rule laid down for regulating their proceedings, he was satisfied that the noble Lord and every other member of the House would have wished to give the preference to this motion. He should say no more on this point. It would be peculiarly inconvenient that such a subject should in any degree assume the appearance of acrimony where good-humoured unanimity was so essential and so highly merited by the parties who were the objects of the discussion. He felt confident that in moving the thanks of the House to General Graham and his Army for one of the most masterly and brilliant military achievements that had ever been performed, he had no cause to fear a want of unanimity in that House. If there was any strife among them, he was satisfied it could only be in vieing with each other who should most express their applause and admiration at such signal and splendid acts of resolution and bravery. All he could regret was, that the task of bringing forward the business had fallen into hands so inadequate to do justice to the efforts of the gallant General and his brave Officers and army. He felt the achievement to be in itself so much higher than any description of it which he could give, that, in attempting it he must detract from the brilliancy which the action itself must naturally produce. He had no more to do then, than simply to call the attention of the House to the subject on account of which he was now to move for a Vote of Thanks to General Graham and his brave companions. It would not be necessary for him to enter into a history of the transaction; he should confine himself solely to the battle of the 5th of this month—a battle which could not fail to excite the applause, and to call forth the thanks of the House. Though every part of the proceedings had been wisely planned and ably executed, yet, lest there should be any difference of opinion on any part of the previous proceedings, he should exclude from his consideration the whole of the previous proceedings, and should confine himself to the distinguished exertion of the British army on that day. (*Hear, hear!*) This brought him, therefore, to the 5th of March, and it would be found

that at twelve o'clock on that day General Graham had reached the heights of Barrosa, after a fatiguing march of sixteen hours. At that time a detachment of the enemy was about four miles from Barrosa, and it appearing that the position on the river should be reinforced, he immediately countermarched in order to support the troops left for its defence, supposing that they had been in some strength. When he approached, however, he found that the enemy had already attacked it, and that those who had been left for its defence had given way. He here found a force of the enemy double in numbers to that which he himself commanded, arranged and drawn up conveniently for themselves, most inconveniently for him and his army. He came, however, to an immediate determination. He did not allow himself to be taken by surprise. He did not hesitate. The resources of his mind were equal to his situation, and without pause, hesitation, or difficulty, he resolved on the attack, and ordered his army to be brought forward. The officers and soldiers under his command shewed that they were worthy of such a general; and they had as little difficulty in executing as he had in planning the attack. Their fatigues were lost sight of and forgotten for the moment. They did not wait to enter into a comparison of the difficulties of their situation, but from right and left the attack was made, and in such a manner that the effect immediately began to be seen. They fought with that which might be truly called a British weapon—the bayonet—and in not much more than an hour the victory was achieved. Every thing shewed this to be clearly and decidedly a victory as much as it was possible to be—four guns, an eagle, three generals, and a great number of prisoners were taken from the enemy; and this without a single man being missing on the part of the British. That the advantage was not pushed farther, was not to be attributed to any thing but ill fortune. For him (Mr. Perceval) to attempt to say any thing farther, would be superfluous. It was sufficient for him simply to bring it before the House. He concluded by moving, “That the thanks of the House be given to Lieutenant-General Thomas Graham, for the distinguished ability displayed by him on the 5th of March, on the heights of Barrosa, by which a signal victory was gained by the troops under his command over a greatly superior force of the enemy.”

*Mr. Sheridan.*—Mr. Speaker, I feel myself fortunate in

rising at this moment to have met your eye ; for I am earnestly desirous of the honour of seconding the motion of the Chancellor of the Exchequer, and stated to the House by him with a degree of perspicuity, energy, and feeling, which leaves little to be said by those who are most zealously disposed to follow and support his proposition. He has truly said that he anticipates universal assent to the motion now, Mr. Speaker, in your hands ; and I cordially agree with him that there can exist no contest in this House, but a strife who shall be most forward and eager to accord to that motion. Sir, there have been differences of opinion with regard to the whole of our conduct in the war in the Peninsula—there have been those who originally doubted the policy of our entering into the contest at all, or at least otherwise than by assisting the Spanish cause by subsidies and arms. These opinions, though countenanced by authorities which I highly respect, never appeared to me to have any rational or sound foundation ; there are others, who, I fear, have entertained an opinion, that, after we did enter into the contest, and engage the faith and honour of the British name in the cause, have imagined that they have perceived opportunities in which, consistently with British faith and honour, we could have receded from our connection with the Peninsula.—What that moment or opportunity was, since the commencement of the contest, I confess, has never struck my observation—an observation not negligent on the subject. Perhaps there remain some, and highly-to-be-respected authorities, who sincerely conceive it to be for the interest of this country to abandon the Peninsula to its fortune and its own resources. I make no comment on this, for it is an opinion which has never yet been distinctly avowed ; but stating these several differences in the contemplation of the present contest, I feel an entire confidence, that on this day, foregoing all political contention, the only contest will remain to vie with each other in giving the most unanimous, cordial, and zealous support to the high honour proposed by the Chancellor of the Exchequer, to that excellent commander, General Graham, and to every Officer, Subaltern, and Private of his brave army. Having said this much as to General Graham's merits as an officer and soldier, I feel, from the reception of what I have said, that I shall be pardoned, if I add something in relation to his private character, and the circumstances which brought him into the service, and at a tardy date rewarded his merits with the rank he

now holds. Many who hear me now must remember, as well as myself, that in the year 1793, Lord Mulgrave, whose friendship with me has not been abated by political differences, wrote to this country, that Toulon, then in our possession, and where he commanded, and then besieged by the present Emperor of France, he found an English gentleman of the name of Graham, who, then no military man, led on the British forces through the heights and labyrinths surrounding Toulon to success and victory. Lord Mulgrave found him there no educated soldier, but of the most refined attainments, deploring a domestic loss, which had left him with an afflicted heart, yet preserving an unbroken spirit. The service he did Lord Mulgrave's army, and the admiration of all the officers of that army, struck his mind, and then he became a soldier; not created so by accident, but enlisting his own brave heart, from a consciousness that he was entitled to serve his King and Country, he embarked in the profession. He returned to his country, and without any mercenary stipulation for rank, he raised a regiment of two battalions in his native land, and thenceforward devoted himself entirely to his military duties. From his first decision for a military career, at Toulon, in 1793, after serving through the whole Austrian campaign, you are to look to his conduct when he escaped from the siege of Mantua—not skulking from it as a spy, but wearing boldly his British uniform, and through risks and perils, I believe absolutely unprecedented, producing the ultimate surrender of the place to the Austrians. We next are to trace him at the siege of Malta, which surrendered on the 5th of Sept. 1800, to General Pigot; but that General had the honour and the justice to declare, that the siege of that place had been so conducted by General Graham, that it left nothing to the arrival of General Pigot but the acceptance of the surrender of it. Mr. Sheridan then ran through, in a quick but eloquent strain, Gen. Graham's further exploits—his singular services in Egypt, where, with no other rank than a Colonel of his own regiment, he joined that regiment—his following Gen. Moore to the rejected Expedition by the King of Sweden to the Baltic—his then attaching himself as an honorary aide-de-camp to General Moore in his campaign in Spain—beloved and trusted as he was by that General, among his advisers in the day of difficulty, and his first consoler in the hour of disaster. Mr. Sheridan then said, that passing by the respect which the public must owe to his military character,

he must pay homage to his private and domestic virtues—there never existed a man in whose bosom was seated a loftier spirit placed in a gentler heart. Mr. Sheridan here proceeded to state his affection for and admiration of his honourable friend—but he stopped short to call the attention of the House to consider, that the House and the country must feel gratitude, not only to General Graham, but to the Duke of York, who had called him forward, and given to him the situation which he now so nobly filled.

*General Hope* bore testimony to every thing that had fallen from the right honourable gentleman (Mr. Sheridan), and felt greatly indebted to him for the very able manner in which he had stated it. The right honourable gentleman might have added to the other merits of his gallant friend, that to him was to be attributed in a great measure the surrender of Malta, and in that respect *General Pigot* did him justice. He then went to Egypt, where he became the friend of the gallant *Sir Ralph Abercromby*. *Sir John Hope*, who brought the last accounts from the field of *Corunna*, reported it to the Commander in Chief as being the express wish of the gallant *Sir John Moore* in his last moments; that in the case of *General Graham* there might be a departure from the general rule of the army. So far was *Sir John Moore* convinced of the merits of this distinguished Officer. The Commander in Chief, therefore, felt himself absolved from all those ties by which the service was in general regulated, and placed him in a situation where his merits might be serviceable to the country. The right honourable gentleman had done nothing but justice to the late Commander in Chief, in ascribing to him a great portion of the energy and discipline of our army. He had greatly added to, and encouraged both. But here we owed to the late Commander in Chief not only the discipline of the troops, but the Commander also.

*General Ferguson* begged leave to express his cordial concurrence in the motion now before the House. 'The valour and discipline displayed in the action of *Barrosa* could not be too highly rated.' He congratulated the House upon the fresh instance of military conduct evinced by the Portuguese troops in that action, by which they had confirmed the auspicious promises held forth by them in the battle of *Busaco*. He had, upon a former occasion, expressed his doubts of any beneficial consequences being likely to result from the plan then proposed, respecting the officering and disciplining Por-

tuguese troops. That opinion the subsequent conduct of the Portuguese had changed; and he did not now shrink from avowing that change of opinion, as a duty which he owed to himself as an Officer, and to the public. (*Hear! hear!*)

*Lord Castlereagh*, in terms of suitable eulogium, commented upon the skill and bravery evinced by the General and troops, in the action of Barrosa. In a struggle such as that in which they were now engaged with a formidable enemy, it was matter of no small encouragement to know, that in the event of any of those critical emergencies which the casualties of war must so often and so unexpectedly bring to pass—it was no small encouragement to be able to rest satisfied, that in such a moment this Country might securely rely upon those great energies in her military character, to be found at all times as well in the skill, devotion, and genius of her generals, as in the unconquerable valour and discipline of her armies. (*Hear!*) In addition to what he felt, in common with every one, upon this subject, he had also great personal satisfaction in knowing, that the honours of that most brilliant achievement devolved upon his friend General Graham—than whom never did man enter his profession with nobler zeal for the service. The peculiar circumstances under which he entered on it, though they debarred him from looking forward to the honours open to those who proceeded through the more regular gradations, yet never had the slightest effect in damping his military ardour. That ardour burned in his bosom with as bright and as pure flame when he was but Colonel Graham, and expected to die Colonel Graham, as it did now, when, happily for the destinies of England, his great military genius has been advanced to a more suitable, because a more elevated and extended sphere of action. (*Hear!*) Amongst the many, he might almost say, the innumerable advantages which the army had derived from the uniform diligence and anxious care for their best interests evinced by his Royal Highness the late Commander in Chief, there were few for which the country had more reason to be grateful than that act by which his Royal Highness succeeded in obviating the difficulties which stood in the way of General Graham's promotion. The late Commander in Chief had strenuously advised his Majesty to waive the strictness of those regulations in favour of Colonel Graham; and his Majesty was accordingly graciously pleased to dispense with those rules which, though in that instance it had been thought advisable to

dispense with, yet were founded in unquestionable wisdom, and generally necessary to the welfare of the army.

*Mr. Freemantle*, after expressing his concurrence in the general expression of approbation at the skill and conduct of the General, and the steady valour and discipline of the army displayed in that action, was proceeding to enter into the question of the policy of the present mode of carrying on the war in Spain, when the House beginning to evince some symptoms of impatience, the honourable gentleman said, that as the temper of the House seemed averse to entering on that subject then, he should not press it, but reserve to himself some other opportunity for delivering his sentiments upon it.

*General Tarleton* highly approved of the motion, and spoke in terms of the most unqualified praise of the promptitude, presence of mind, skill, and valour displayed by General Graham, as well as the discipline and bravery of his little army. In the abundant stores of British glory he could find nothing of the kind to equal it.

*Mr. Fuller* said, that all parts of the House agreed in attributing no small part of the causes which led to the general successes of our arms to the wise regulations of the late Commander in Chief: if that were so, and he had no doubt that it was, he hoped that his Royal Highness would at last be done justice to—he hoped he should soon hear of his being restored to the high situation he filled so well, and that he would again, and shortly too, be enabled to serve the army and the country as Commander in Chief. He hoped that this was not the country in which an innocent man could be *written down*, so as never to rise again. As to the present motion, there could not be a second opinion about it. Who was there that must not rejoice in giving his vote in favour of it? For his part, he would frankly own, that these were just the sort of motions he liked to hear in that House (*a laugh*). There could be no doubt that they would soon have more of them, and he was sure he could never tire of them (*a laugh*). So far from it, that he wished with all his heart such motions could happen every day. (*a laugh—Hear! hear!*)

The motion of Thanks to General Graham was then put and carried, *nem. con.*

*The Chancellor of the Exchequer* then moved, that the Thanks of this House be given to Brigadier-General William Thomas Dilkes, and the several other Officers, for the eminent

ability displayed by them in the action of the 5th of March, upon the heights of Barrosa, and that the said Thanks be communicated to them by Lieutenant-General Graham; which was carried, *nem. con.*

He then moved, that the House doth highly approve of, and acknowledge the discipline and valour displayed by the Non-Commissioned Officers and Soldiers in the said action; which was also agreed to, *nem. con.*

*Mr. Perceval* then moved, that the Speaker do communicate the vote of Thanks to General Graham.—Ordered.

#### EX-OFFICIO INFORMATION.

*Lord Folkestone* rose, and after a few prefatory words, said, that his object in addressing the House, was to obtain a List of the Informations *ex officio* which had been filed during the last ten years. He had been induced to call the attention of the House to the subject, by the great increase of those informations which had occurred within a few years, and the importance of the rights which were affected by those acts of the Attorney-General. On looking over the list of the informations filed by the Attorney-Generals in the thirty years preceding 1791, there appeared to have been seventy prosecutions instituted. Of those, from 1791 to 1800, he had not obtained an account. From 1801 to 1806 there were fourteen prosecutions; in 1807 there had not been one; but from 1807 to 1810, the three years of the present Attorney-General being in office, the number of informations *ex officio* was no less than forty-two; the yearly average of informations in the former periods being two, but in the latter fourteen. This called at least for inquiry into the cause. For it, but one of two causes could be assigned—the growing disposition of the press to indulge an animosity towards Government, or the increased readiness of that Government to seek out occasions of severity against the people. Was it to be said, that the animosity of the press originated with itself, or that it was not the follower of the public opinion? In a late instance, of *The Day* paper, it was admitted, that the conductors changed the whole current of their paper for the purpose of adopting the opinion of the moment (*Hear! from the Treasury Bench*): Yes, the fact was allowed, but what did it prove? Plainly and distinctly that the press followed the opinion of the people; and when the press was found sternly and strongly setting

its face against the character of the Government, ought it not to be examined, how far it spoke the opinion of the nation, and how far the national cry against grievances was justified? for there must have been grievance to give existence to the cry. It was the nature of man to look for quiet, it was the nature of man to be contented with the lot in which he was placed; and nothing but real and serious injury could raise at once the cry of a whole country. The fact was, that the prosecutions had increased exceedingly and alarmingly under the present Attorney-General; and this simple fact might have been deemed sufficient ground for an inquiry into the cause. He (Lord Folkestone) would have suffered his case to rest here, but from what he had heard on the subject, he would be forced to go into details.

Would the House consider for a moment the great and extensive power given to the Attorney-General by the privilege of filing *ex-officio* informations? That privilege might once have been comparatively harmless, at a time when the press was low, and its publications few; but now, when it was spread through the country, when it was the great organ of public feeling, when every thing was said, and done, and felt, and thought, through the press, to give an Attorney-General the power of binding it down, was to give him the most important, and the most likely to be abused power that could be found in the community. Those gentlemen who had not attentively examined the matter, could not conceive the power which the Attorney-General possessed to harass and vex those against whom he was disposed to file an information. In all other cases of prosecution by the Crown, the forms and processes of trial were in favour of the accused. In the case of high-treason, those protections were almost infinite. Was it to be presumed that in all this the law meant a studied insult to the Sovereign? or that it considered the interests and injuries of the Sovereign not more deserving of being guarded and fenced than those of his subjects? No: but the law contemplated the nature of the contest that must take place—it assumed that the individual would have to struggle with the whole influence of the Crown—it knew that it would be the contest of a giant with a pigmy, and it threw its forms between the subject and the Sovereign. Forms were always meant for the protection of the weaker. The very forms of that House were devised for the protection of a minority against an overweening and overwhelming majority. But in the pro-

secution for libel, the accused had to contend with a power more formidable, because more secret and less exciting public interest than that by which he was called on to answer in high-treason. In high-treason the public eye was directed to the whole procedure; no injury could be done by secret and noiseless acts; every act caught the watchfulness of the public eye; and the shield of this awakened and vigilant spirit was thrown over the accused. But in the prosecution for libel, no life was threatened, and no serious risk of property was supposed; the public eye was not held to the object, and the Attorney-General might proceed at his ease. In all other cases, justice was provided for at the outset. The offence must come before a Jury of twelve men; and even in informations before a Court the accused was allowed to make a defence, and the oaths of the Judges stood between him and injustice: but in the information *ex officio*, the *ipse dixit* of an Attorney-General was all and every thing. And here there was one point which ought not to be overlooked. It was, the simple question of fees on those informations. He (Lord Folkestone) respected the situation of the learned gentleman (Sir V. Gibbs) opposite, too much to make an allusion to him on this subject. He (Lord Folkestone) could not bring himself to suppose that the fees had any influence in the late extraordinary increase of prosecutions. He would be the last man to attribute to any person of liberal acquirements, the odiousness of acting from the mere motive of *base lucre*. It was always unjust and ungenerous to fix such a motive upon any man, and he was sure the learned gentleman on the opposite side would be ready to coincide with him. There was another most important consideration; there was no limitation of the time of prosecution. In high-treason, that time was limited to three years: if the prosecution was not brought on within three years and a day, it fell to the ground. And yet in treason, when the crime might be concealed, and have worked in secret for those three years, there appeared reason for giving the prosecution the longest term that law could allow. Against the Attorney-General there was no limitation: by virtue of his extraordinary power, he might go back to an offence of three, of ten, of twenty years' standing. By the 38th of the King, which compelled the printers to give in their names to the Stamp-office, all the evidence was furnished by the parties against themselves. Another singular privilege of the Attorney-General was, that no time

was defined for bringing on the trial. The accused might bring the cause to the eve of trial: but those trials were before special juries; if the whole of the jury did not attend, they were to be made up by praying a *tales*. The Attorney-General alone could thus complete the jury, and thus the proceeding to trial depended upon his pleasure. He (Lord Folkestone) would say no more of special juries, now, as he intended to make them the subject of a motion at another time. But it was to be recollected, that they were chosen by an officer of the Crown, and that those who usually acted, at least in London, were also in some degree connected with the Crown. In Sir Richard Phillips's pamphlet it was stated, that when he was sheriff, a great numbers of persons came to him soliciting to be put into the freeholders' book, from which the special juries were drawn. This desire shewed that they would not willingly offend by any great want of pliancy when they were once possessed of the object of their desire. The law was jealous of special juries; it allowed them no cognizance of causes affecting life or limb. But was it to be doubted that the present punishments for libel went close upon affecting life? It was said that truth was a libel. He did not mean to contradict the word of law, as it stood; but he could cite law within a hundred years which held the direct contrary; and the whole doctrine as at present seemed absolutely contrary to common sense. Lord Folkestone then went into a short detail to shew from cases in the time of Edward I. Richard II. Philip and Mary, and the trial of the seven Bishops, that the falsehood of the libel constituted the crime. Another extraordinary power of the Attorney-General was, that of replying. The Attorney-General might thus keep back half the charge, he might influence the verdict in the most fatal manner to the accused, while there was no power given of answering the charge. A striking feature in all those cases was the uncertainty of the law. Different opinions were pronounced by different judges, and all pronounced with equal appearance of mature conviction. The same judge differed from himself at different times. In the trial of the Dean of St. Asaph, Judge Buller directed the jury merely to fill up the inuendos. In the trial of Horne Tooke, Lord Mansfield left the alternative of guilty or not guilty on the whole case, to the jury in the usual way. In the trial of Mr. Cobbett for a letter on Irish Affairs, Lord Ellenborough said, that when the feeling of any individual

began to be hurt, then criminality commenced. But the same Lord Ellenborough, in the case of Carr and Hood, said, that a writer's failures might be criticised, and that remarks on them were good for literature. But was it to be held that the feelings of an author were not to be guarded as much as those of any other person; or at least that the feelings of men who only acted in a private capacity were not to be as scrupulously revered as those of the men on whose weakness or wisdom might depend even the salvation of the country? A libel was by the law only a misdemeanour, and it was liable to fine, imprisonment, and pillory. But was it to be said, that the law, in appointing these punishments, had ever intended to aggravate them by destroying the property of the persons so punished? But for what other object than this ruin, were they sent off to distant gaols? White and Hart, for a libel in the *Independent Whig*, were sent to a distant gaol for three years. This very length of confinement appeared an outrageous punishment, but it was aggravated by the circumstance of the mischief and ruin which the distance of the gaol must bring upon their means of subsistence. Those who sent them there knew that well. There was another person, Gale Jones, whose principal property was some daily or weekly publication: that person was confined in a gaol where he was not allowed the use of books or pen. The late case of Mr. Finnerty was of the same order. There was an extraordinary feature in the magnitude of the sums required as security for good behaviour for a number of years. This was totally distinct from security for keeping the peace. It operated as an extension of the time of confinement.—It was worth while to compare the punishments for libel with those for other offences. He had lately looked over a list of sentences for offences tried at the Old Bailey.—Those offences were felonies, and others of an aggravated nature. He found the sentences, imprisonment for three, two, and one month. On that same day Alexander Davidson had been let out, after confinement for the high offence of embezzlement: the sentence of the Court on that person had been commitment for twenty-one months. Another instance occurred, in a country paper, of a rape, attended with extraordinary circumstances of guilt. The Judge told the offender, that if the indictment had been capital, he must have been hanged; and what was the sen-

tence for the excessive and exaggerated guilt of this man? It was only a two years' imprisonment. (*Hear! hear!*)—But then the injured party could bring his case before the House of Lords. What! after suffering a long and unjust confinement, he was to come for justice to the Lords, when, from what had been lately acknowledged of the proceedings of that House, he might see his appeal thrown by for years. He (Lord Folkestone) was not about to contend against the law in its ancient state. It might be harmless—a mere *brutum fulmen*—when the press was narrow and feeble; but now it became a most important consideration for the country. He must correct his first statement, that but forty-two prosecutions had been commenced, some of those had been successively repeated against the same persons. But at least seventy informations might be presumed to have been filed. But the law was changed—it was not the same law now which it was two years since. About that time the Attorney-General introduced the present form as a mere matter of convenience—as a rule found advantageous in practice—a mere improvement on an Act of the 26th of the present King, by which, persons resisting the Revenue Officers were ordered to find bail, or, in default, to be liable to be committed. The offences against the revenue were serious, and required coercion. But the Attorney-General brought in a Bill for extending the practice to all offences which he might think deserving of prosecution. The liberty of the subject was thus thrown at the mercy of the Attorney-General. If this law stood, there was not an individual in the land who might not be prosecuted—(*Hear!*)—there was not a man who might not be harassed by bail—bail was a virtual imprisonment. It ought not to be doubted that this great power was used properly and impartially. He would not now say that the whole ground of those informations was false and illegal; but when he found such men as Barke and Dunning asserting that they were so, dividing the House of Commons on the question, and finding seventy members to support their opinion, he (Lord Folkestone) would not presume to say, that what they had pronounced not to be law, was law. Lord Folkestone then examined some of the arguments in favour of the antiquity of the law, and contended, that from the obscurity of the cases, and their slight reference to the question, they could add nothing to its authority.—In the case of Withers, the argument went merely to con-

test the right of the Court of Star-Chamber. In the cases of Sir John Showers and Mr. Plowden, the point in question was not adverted to, and of course decided in neither way. Blackstone, on the point, said, that informations *ex officio* were intended to act particularly against those offences which impeded or injured Government, and when a moment's delay might be highly prejudicial. (*Hear! from the Treasury Bench.*) Yes, said Lord Folkestone, it is even upon this that I would ground the uselessness and illegality of the power. Is the evil such as to require an instantaneous remedy? What is in it that requires the sudden effort of the State to suppress? Or if a libel be this ruinous thing, why does the Attorney-General put off its trial for six or eight months? (*Hear! hear!*) What was the feeling to be drawn from the fate of these numerous informations? Out of the whole forty-two, within the last three years, there were but sixteen brought to sentence. Two of the accused were acquitted, two were still unsentenced, twelve were entirely passed over, and ten were still to be brought on. Perhaps these ten were to be forgiven, like the rest; and this would be to be attributed solely, of course, to the humanity of the Attorney-General. (*Hear! and a laugh.*) But was it no punishment to have such a prosecution threatened? Was there nothing in the perplexity and the harassed mind, and the doubtful spirit, of the unfortunate person who was thus threatened by the Attorney-General as the victim of that prosecution, which, according to Blackstone, was only to be brought on in cases that were vitally momentous to the State? The seventy informations before 1791, produced fifty convictions—the fourteen preceding 1807, produced six convictions; but in the subsequent three years of the present Attorney-General's office, the House would observe the number which were convicted, and judge of the influence which was given by them to the Attorney-General. There were certain statutes directed distinctly to put an end to all vexatious proceedings, but permitting the proceeding by the Attorney-General. This implied that his proceedings were not of that nature which the law could call vexatious. But was not his present power most productive of vexation? Blackstone says, that compounding a prosecution is an additional misdemeanour.—But while a right honourable gentleman (the Chancellor of the Exchequer) held the rank of Attorney-General, a writer had been prosecuted for libelling Buonaparté; and

on the breaking out of the war, that person's offence was passed over. He had since been a zealous writer on the side of Government. He (Lord Folkestone) did not say, that he ought to have been sentenced, or that he ought to have been prosecuted at all. But even in this case, there was an instance of compounding a prosecution. The power was used for influence. It was not directed against those writers who were on the side of Administration, though they had at least as few restraints, from a feeling of moral decency and propriety as the writers on the opposite side.—(Hear!) The Attorney-General, on coming into office, found an information filed against the *Morning Post*, for a publication tending to create a mutiny among the troops that were then embarking for foreign service. This, if any thing, seemed to require prosecution, as its injury might have been instantaneous and most serious. But the Attorney-General entered a *nolo prosequi* on the prosecution, and gave as his reason, what was probably a sufficient one, that the printer had given up his author. (Hear!) But did the Attorney-General always think by the same principle? The libel in the *Morning Post* appeared first in that paper, and was so far its original production. But though Cobbett, on his trial, declared himself the sole author and proprietor of his paper, and declared the printer and publisher as in a certain sense merely his servants, that declaration did not avail them, and they were all punished together. In the case of *The Statesman*, a paper which had attracted notice by its opposition to Ministers, Mr. Lovel was found guilty, and sentenced to imprisonment—for what? For a libel printed with the author's name, which that author has never denied. Was the Manchester printer of that libel convicted? He contrived to compromise the prosecution. An information had been filed against the author, but it had never been proceeded on. There were cases without end on this subject. The *Examiner* had been acquitted; and as a proof of the uncertainty of the law, the author of the libel in the *Examiner* was found guilty. It might be said, there was some verbal distinction; but it was to be expected that the Attorney-General would not attempt to shelter himself under the chicanery of such a defence. He had several more instances to state. At the time that discussions were going on in that House, relative to the conduct of the Duke of York, many informations had been filed against different individuals, which were

afterwards withdrawn. As to the matters which those libels contained, it was his opinion that they had been feebly proved in evidence at the bar of that House. The Attorney-General, however, had thought proper to abstain from prosecution of those libels; and yet the individuals against whom he had filed those informations, had been put to great hardships and heavy expence, and had no means by which they might obtain redress. When the Attorney-General thought proper to file those informations, it was on the ground, that, holding the Duke of York up to contempt, was lowering the respect due to the Royal Family, and a great offence against the State. The Duke of York, however, at that time supported the politics of the learned gentleman and his friends; but if not only a member of the Royal Family, but if all the members of it were libelled in the grossest manner, at a time that they did not espouse the politics of that learned gentleman and his friends, he saw no ground to file his information. He then proceeded to read from the paper, called *The Courier*, observations made upon all the male branches of the Royal Family, which the writer was pleased to designate by the term of "*the College of Princes*." Now he was not complaining that those things were not prosecuted, but he complained of the partiality which prosecuted for every thing that was said against the political friends of the Minister of the day, but passed over the grossest and most indecent observations which could be made against the highest persons in the community, unless those persons coincided in politics with the Minister. In the article to which he had alluded, it was stated, "that a new class of men had started up in this country, and had assumed to themselves the powers which formerly belonged in Germany to "*the College of Princes*." It went on to state, that "the King's Sons as Princes were only to be considered as *great babies*; that a Prince Ernest or a Prince Adolphus, until they were made English noblemen, were mere babies, pretty creatures to dance at a Duchess's ball; that they were mere looby boys until they were *breeched* into political manhood by being made Peers; and that the history of the French Princes would not be soon forgotten." Now this whole article appeared to him so vastly absurd, that he did not blame the Attorney-General for not prosecuting it; he only blamed him for not shewing something like impartiality in his selection of those libels which ought to be prosecuted. He could

state, although it was now an old case, that it appeared that in the year 1788, libels against different members of the Royal Family had actually been sent to the newspapers for insertion from the Treasury. What could be said of the hardship of that case, where two individuals had been sent to a prison for three years for a libel upon a jury? It appeared, upon the whole, that the real rule which guided prosecutions was this, that the *Courier*, and the other papers who supported the Minister of the day, might say whatever they pleased, without the fear of prosecution; whereas, the *Examiner*, and papers that took the contrary line, were sure to be prosecuted for expressions that were not so strong. In directing his observations to the Attorney-General, he acted merely from the consideration, that he was the officer properly responsible. He did not know, however, whether he had acted *ex mero motu*, or whether he had acted from the opinions of others. It was pretty evident, that the gentlemen with whom he acted were no great friends to the liberty of the press. A right honourable gentleman (the First Lord of the Admiralty) had also found out, in the course of the last session, that the press was intolerably licentious, and complained of a *placard* reflecting on him. The individual against whom the complaint was brought (Mr. Gale Jones) had lain for many months in Newgate, in consequence of this complaint; but when the right honourable gentleman brought it forward, he had stated, that he felt nothing personally on the subject, but brought it forward merely from his regard to the credit of the House. He at first believed that to be the case; but he was free to confess, that since that time his belief had been much shaken. The circumstance which shook his belief was, that those who felt so keenly the regard that was due to the House in one instance, yet did not feel it incumbent upon them to take the same steps to assert its dignity, not only when individuals, but when large bodies of the members of that House, were abused in the grossest and most indecent manner by those papers which supported the cause of Ministers. The *Morning Post*, in its observations on the conduct of a minority in opposing an adjournment (in which opposition he believed it would now be confessed that they were right), abused in the grossest manner all the members who voted in the minority. It spoke of the trick of Sir Francis Burdett, in di-

viding the House, which obliged Mr. Whitbread and many others to vote with the mischievous Baronet, in order to hide a greater shame; and that no men, whose nature was not debased by vile views of faction, or whose hearts were not ungenerous and base, could bring themselves to vote against their King. Such language as this was borne in the *Morning Post*, because it supported Ministers; and none of those members, who, upon other occasions, shewed such regard for the character and honour of the House, thought that a case worthy of their notice. He declared, that he did not feel at all hurt by such expressions in the *Morning Post*, and had no objection to that paper speaking of him and his friends in that sort of way; but then the Attorney-General, and those who were so alive to the heinous nature of libels in some instances, ought to practise something like impartiality in their selection. If they were to say, that their object in prosecuting libels was merely their regard for that House, the good of the State, their respect for decency, and *bonos mores*, how came it that those considerations never affected them, but when the person offending differed in politics from the Minister of the day? He feared that he had troubled the House at too great length, but he hoped he had laid before them sufficient grounds to shew the necessity of their considering the nature of this privilege, which is so extensive, that it affects every subject in this realm. It was right that they should look at this privilege, which might be applied to such vexatious purposes, that they should see what it is, and whether it was not necessary that in future it should be restrained.—He concluded by moving for “an account of all informations *ex officio*, filed since the 1st of January, 1801, together with all proceedings had thereon, specifying also the dates on which such proceedings took place.”

*The Attorney-General* then rose, and said, that it was evident that the object of the motion was not to question the right which a person holding his situation had to file such informations, but to insinuate, or rather directly to state, that this power had been grossly abused in his hands. If the power he had been entrusted with had been made an instrument of oppression, he was deeply responsible for it. As this charge had been made in pretty direct terms, he trusted the House would indulge him if he should find himself obliged at some length to repel those charges. He trusted the noble Lord would do him the justice to allow,

that there was no impediment whatever thrown in the way of his motion. He had access, as he had an undoubted right to have, to all the records which could be serviceable to him; and the persons in whose custody they were placed, had positive directions to give him every assistance they could, by pointing out to him the particular parts of the records to which his inquiries were directed. The noble Lord had stated truly the number of informations which had been filed within the last three years. He had, however, after this statement, proceeded to state his suspicion that this power had been improperly exercised, and had stated several instances to confirm this suspicion. Many of the topics touched upon by the noble Lord appeared to him to have no sort of bearing upon the real question, which was not whether there was any thing in the law upon the subject which required correction, but in what manner he (the Attorney-General) had executed the trust reposed in him. As to the hardships which different individuals might suffer in consequence of judgments pronounced against them, this was a matter for which he was not responsible; and if the noble Lord thought that any individual case was proper to bring before the consideration of Parliament, there was nothing to prevent him from so doing. He believed, however, that there were many things which he had stated as hardships, in which he would not be borne out in an inquiry. The first insinuation which appeared to be levied personally at him, was the mention of the influence of the Crown. Now he would defy the noble Lord to adduce a single instance where that influence had any weight on his conduct in this respect. He believed that there were no prosecutions more leniently carried on than prosecutions by informations; and he believed that no person in his situation could have boldness, or nerve, or wickedness enough, to deprive a defendant of every fair advantage. Was there, in fact, any prosecutor in the kingdom who was so narrowly watched as an Attorney-General? Was there ever wanting abilities or zeal to detect every error he could fall into? and was not he even deprived of the ordinary excuse of human infirmity for any thing that he should do that was wrong? The noble Lord had thrown it out, that an Attorney-General might be swayed by the fees of office in filing informations. Now, as the noble Lord declared that he did not mean to apply this observation to him, he was relieved from the necessity of repelling it personally, or de-

claring that the paltry, dirty fees of office had no influence on his conduct in this respect. If he was actuated by the sordid passion of pocketing a little pelf, the amount of the fees would really be too small to induce him or any person in his situation, from acting under that consideration. The fees of an Attorney-General on filing an information, were either 13s. 4d. or 6s. 8d. he could not recollect which. Now he could not be at a loss to know what the noble Lord was alluding to in these observations. The very terms which he made use of shewed clearly what it was he meant. It was because, at the trial of Mr. Cobbett, he had imputed to him that the profits of his paper had or might have an influence on his writings; that therefore the noble Lord had thought it fair to impute to him similar motives. He could not believe, however, that any nobleman, on taking time to recollect himself, or that any gentleman in that House who was possessed of any liberal feeling, could think that the cases were similar, or that with any kind of liberality or fairness they could be placed together. The noble Lord also stated it as a great hardship, that no time run against the bringing such prosecutions, and that the person remained always answerable. He believed that every gentleman who heard that statement had supposed that there were hard cases of individuals, oppressed in this manner: without such a supposition, his statement would be absolutely unintelligible; and yet he could assure the House that no instances of that kind existed. He believed no instance could be stated of any case in which he had filed an information, in which a single term had elapsed from the publication of the libel to the information. That always followed, as closely as possible, the discovery of the offence. In the different instances the noble Lord had adduced of hardships to which defendants were exposed, it was nothing to the question to talk of hardships which the law imposed; the noble Lord should have pointed out hardships which proceeded from him as Attorney-General. When he stated that the defendant had not the power of praying a *tales*, he should have recollected that in every private prosecution the defendant might, at his pleasure, withdraw the record. In his objections to special juries, the noble Lord spoke of them as appointed by an officer of the Crown, and said that they had an interest in serving on those juries, and therefore would probably not conduct themselves so as to displease this officer of the Crown, who appointed them. As to this officer of the

Crown, he must state that he had his place for life, and was in this respect as independent as the Judges. He knew him to be a man of high honour and integrity, and utterly incapable of abusing his trust in the manner which appeared to be insinuated. The special juries were not selected by this officer. It was the duty of the constables of the different parishes to return lists of freeholders; and it was from the freeholders' book that the special juries were chosen. The manner, however, that they were taken was this:—The officer opened the book where he pleased, and took the first forty-eight names that occurred. Each party had a right to strike off twelve, and from the remainder the jury was formed. He was convinced, that nothing could be more impartial than the way the special juries were selected. The noble Lord had considered some of the sentences which had been pronounced by the learned Judges as severe in the extreme, and had referred to the authority of Judge Holt: but the learned constitutional Judge had in his time complained of the licentiousness of libellers, and certainly the punishments for that offence were as severe in the best times of the law as they are at present. As to the case of White and Hart, it was not for one libel that they had been sentenced for two years; it was for two libels of a very gross nature. He had said, that it would be mockery for persons confined by severe sentences to bring writs of error, which might perhaps not be determined for many years. He had forgotten, however, to state, that those two men, Hart and White, had actually brought their writ of error, and that in consequence of the nature of it, it was attended to in the House of Lords before any other business of a similar nature. The noble Lord had also stated the hardships of the subject to be much aggravated by the bill which he had brought in, and that this bill had given him (the Attorney-General) the power of holding to bail any man he pleased. This statement was utterly incorrect. The law gave him no such power, but vested that power in the Judges of the land. The only case in which this had been acted upon, was in the case of a man, who, after an information filed against him, thought proper to re-publish the same work. Now, this case being stated to Justice Le Blanc, that learned judge thought it was a case in which the defendant should be held to bail. When it was stated, that he had filed forty-two informations, it should be also stated, that it was for eighteen libels. When it was considered, that there were near two

hundred newspapers disseminated every week, it would not seem extraordinary, that eighteen libels should have been thought worthy of prosecution. Out of those eighteen cases, in eleven there were convictions, or judgment went by default. There was one acquittal, and one withdrawn in consequence of that acquittal. In three cases he had dropped the prosecutions on satisfactory apologies being made. As to the libels in the case of the Duke of York, he believed there was no one who recollected the flame which then prevailed in the public mind that would blame him for withdrawing those prosecutions. He had withdrawn one information against the Proprietors of *The Whig*, as he did not wish to add to their present term of imprisonment. As to the libel in the *Morning Post*, the case was this; proceedings had been instituted at the complaint of the Transport Board, for a libel upon them. The author's name was given up. It was Captain Roach, who had since served his country gallantly abroad. He was then out of the country, but on his return he waited on the Transport Board, and softened them so much that they did not wish to press the prosecution. Now the case of the author of the libel on the Commissioners of the Income Tax in Lancashire was very different. Mr. Lovel had inserted the libel in his paper with comments still more offensive than the original libel, and on that account he prosecuted him. He also prosecuted the two country papers in which it was originally published; but as he found the evidence of those two publishers was necessary to convict the author, a Mr. Collyer, he, at the desire of the Commissioners who were libelled, consented to suspend the proceedings against them, and the prosecution of Collyer is now going on. If the power vested in him had not been abused, he felt confident that the House would acquit him of the imputations which the motion conveyed.

Sir F. Burdett said, he thought it almost unnecessary to add any thing to what had been so forcibly urged by the noble Lord, after having heard the lame, defective, and impotent defence made by the learned gentleman who had just sat down. That learned gentleman had displayed on this occasion, that skill which was peculiarly the characteristic of the profession to which he belonged, by cautiously abstaining from taking into his consideration any of the most important topics which had been so ably brought forward. For himself he would say, that he had been greatly disap-

pointed at the speech of the hon. and learned gentleman. He had expected to have heard from the learned gentleman, or from some other of the learned gentlemen beside him, who, having followed the learned profession, had since left it for higher pursuits, some able arguments upon this great constitutional question; he had hoped that those learned members would have thrown some light by their learning upon so momentous a subject, on which so many doubts were entertained, and so much anxiety prevailed in the public mind, and in which the freedom of the press, so intimately connected with the liberty of the subject, was so essentially concerned. The hon. and learned gentleman had narrowed the question; for, either mistaking or misunderstanding the case which had been made out, he had left wholly unanswered all the strongest parts of the argument of the noble Lord. At the outset of his defence, the hon. and learned gentleman assumed, that the legality of the practice was undoubted. But the noble Lord had not admitted that legality; on the contrary, he had produced a statement of law, of argument, and facts, which was particularly worthy of the attention of the House, to establish its illegality. Then the learned gentleman had shewn some indignation at the suggestion of a possible motive by the noble Lord, which the noble Lord, however, had disclaimed any intention of imputing to him, arising from considerations of *filthy lucre*, and a desire for the fees upon filing *ex-officio* informations. The hon. and learned gentleman had shewn, that he felt annoyance at the bare supposition, that he could be influenced by any advantage to be derived from fees of 6s. 8d. amount. Every one knew that the learned gentleman could not be influenced by such considerations—they would all acquit the learned gentleman of any such unworthy motives. But the honourable and learned gentleman was placed in a situation in which he naturally looked to much higher rewards; in which, though he must be superior to the influence of a paltry fee, he must look up to other objects of a more exalted ambition, but not altogether unconnected with considerations, perhaps, of *filthy lucre*. He was aware that the situation of the Attorney-General was difficult and hard; but then he was sure that the honourable and learned gentleman would be anxious to relieve himself, and all those who might hereafter be placed in the same situation, from the difficulties attending it, by consenting to the removal of that power, which was, as he should con-

tend, not only contrary to law, but to common sense, the foundation of all law. But the learned gentleman, instead of meeting the case made out by the noble Lord, employed himself in making a defence upon a point with regard to which no charge had been made against him. The honourable and learned gentleman directed most of his arguments to prove that he had in no instance filed an *ex-officio* information but within a reasonable time. No charge was made against him upon that head. The case of the noble Lord had been divided into two parts; 1st, as to the legality of the power exercised by the Attorney-General in respect to *ex-officio* informations; and secondly, as to the actual abuse of that power in the exercise of it. The noble Lord had accused the learned gentleman of having exercised this power with partiality; a charge which the learned gentleman had not removed by the speech he had made in his defence. The honourable and learned gentleman had not disproved the charge, that whilst he shewed lenity to those who wrote in support of the persons with whom he acted, he visited with rigour and severity all those who ventured to write against them. As to the other parts of the argument of the noble Lord, respecting the nature and uncertainty of the law of Libel, the honourable and learned gentleman had said nothing. The law of Libel, it was scarcely necessary to observe, was new to our law—the term libel was of modern use in this country. It was unknown to our ancestors, and introduced only in bad times, to promote unconstitutional purposes. It was, therefore, uncertain and undefined; unlike the designation of offences at common law. Whilst the Attorney-General possessed the power now claimed and exercised, he would defy any man, he would defy all the lawyers in the nation, to tell what was a libel. Whilst the law continued as at present, no man could tell when he was writing a libel. What any man in writing might suppose to be most innocent, might be thought otherwise of by the Attorney-General, and be construed into a libel. Upon the question itself he felt his difficulties; but upon the grounds of reason, of argument, and fact, laid for his motion by the noble Lord, he was ready to support his motion, especially as he considered it but the commencement of a series of measures, which would put the question at rest for ever. This was the more desirable, because they found, that not only different judges were of different opinions, but the same judges entertained

different opinions at different times upon the subject. Lord Coke thought the truth of a publication a justification; from which opinion Lord Chief Justice Popham, no mean authority, too, differed. In the case of *Holles, &c.* alluded to by the noble Lord, one of the Judges held that any publication was a libel which was not licensed by the Government; and the Attorney-General of that day even held that the most innocent publication was libel if it had not the previous consent of the Government. That great and constitutional Judge, Lord Holt, in the two cases of *Tuchin* and of *Fuller*, (cases which perhaps might have escaped the memory of the noble Lord,) seemed to be of opinion that truth was a justification; for he called on them to produce their witnesses, and added, that if they wrote without being able to produce witnesses to the truth, it would be at their own peril. The honourable Baronet then went into an examination of *Showers' Precedents*, to shew that the power of filing informations *ex officio* was illegal, and contended that the argument of Lord Erskine was irresistible upon the constitutional intervention of a jury, before an indictment could be preferred. He agreed with the noble Lord, that it would be a most grievous species of tyranny if an Attorney-General could have the power of incarcerating men by this process. The first time that prosecutions for libel, *de libellis famosis*, were heard of, was in the proceedings of the Court of Star-Chamber. That was the great source of all these prosecutions. On the suppression of that Court, they had been transferred to the Court of King's Bench, on the supposition that libels tended to a breach of the peace. Except on that supposition, the Court of King's Bench could have no jurisdiction, because, in the mild spirit of British law, nothing was considered a crime that was not accompanied by violence *vi et armis*. A libel was prosecuted as a misdemeanour, that was, a misbehaviour; but when it came to be punished, the misbehaviour was lost sight of, and it was punished as a crime. It was a violation of the Great Charter to send any man to trial, except *judicio parium*, or after the finding of a grand jury. After detailing the various ways in which, as the law now stood, a person under this prosecution for a libel might be affected, the honourable Baronet stated that there was no end to the harassing oppressions and vexations to which the subject was exposed by means of *ex-officio* informations.

He did not mean to say that the Attorney-General actually did inflict these vexations ; it was enough for his argument that he might do so ; and where such a power existed in any individual, there could be no freedom. In a country where the construction of a penal law was left to the discretion of any individual, there could be no liberty. The honourable Baronet then took a review of the manner in which special juries were struck, and after stating that in the action which he had instituted against the Speaker (which so far as that right honourable gentleman was concerned personally, both from considerations of respect for his private virtues, and admiration of his abilities and public services, he had done with reluctance) he had gone to attend to the striking of the jury, induced as well by what he had read as by what he had heard upon the subject ; he added, that the result was, that he found that special juries were struck at the discretion of the Master of the Crown Office. His attorney wished the names of forty-eight jurors to be taken in succession. The Master of the Crown Office said, that the Act directed otherwise ; the Act was examined, and no such provision was found : it was then a rule of Court ; no such rule was to be found ; then it was the practise of his office ; the consequence was, that the jury was struck at the discretion of that officer. Special jurymen made their attendance a source of revenue : they were connected with the Government as Magistrates, Collectors of the revenue, or Contractors. He knew, too, that there was a private list consisting of 400 freeholders, and that they were apprehensive of being struck off the list if they should not give satisfaction. Indeed, he had received a letter from one, complaining of that, and requesting to be re-instated, on a recent appointment of Sheriffs. The verdict of juries so constituted could not then be as unimpeachable as the decision of juries fairly chosen. Special juries were first noticed in the Act of George I. and subsequently in an Act of George the II<sup>nd</sup>. After the able speech of the noble Lord, he was reluctant to trespass upon the House ; but he could not avoid calling their attention to one point, that the term libel had been borrowed from the slavish imperial law into the State-Chamber and not only from that slavish law simply, but wrested as it had been under the Emperors for purposes of the most abominable tyranny that ever disgraced a nation. The Romans had no law on the

subject; but it was under the head of offences *læsæ majestatis* that this offence of libel was first introduced

Tacitus has the following passage on the subject:—

“Facta arguebantur, dicta impune erant. Primus Augustus cognitionem de famosis libellis, specie legis ejus, tractavit: commotus “Cassii severi libidine, quâ viros feminasque illustres procacibus scriptis diffamaverat.”

Augustus was the first who brought writings under the lash of the law. It was afterwards carried farther, and even words, looks, or tears were punished. A Roman knight had been punished for calling Cassius the last of the Romans; another was punished for having the statue of Cassius amongst those of his ancestors. No freedom could exist where such arbitrary proceedings were tolerated. He should not be against the punishment of scurrilous and defamatory publications, where malice could be proved, any more than against the punishment of offences committed with the dagger. It was in consequence of the grievances arising from the proceedings in the Star-Chamber, that one of the Stuarts, a martyr to obstinacy, had been brought to the block. It had been said, that when they considered the cropped ears, slit noses, and other arbitrary proceedings of that day, Englishmen should lay it to heart what a slavish condition they should be reduced to, if such a state of things were to continue. But he would desire gentlemen to lay it to heart what may be the consequence of the present practice, if the Attorney-General were to exercise his present power. Upon all these grounds he should give his decided support to the motion.

Mr. Stephen maintained the legality of the practice of filing *ex-officio* informations. The honourable Baronet was consistent in not giving his sanction to prosecutions for libels. In a speech of his to the sage judges of law assembled, not in Westminster-Hall, but in the purlieu of Westminster-Hall, *sub diu* in Palace-Yard, he, as appeared from a newspaper report of his speech, pledged himself to his auditory, that when the subject should be under discussion, he should prove “that the practice was contrary to the principles of the Constitution.” But he would join his learned friend in challenging the honourable Baronet to point out any time in which libels were less severely punished than at present. The learned gentleman here enumerated several cases of the punishment of fine, pillory, imprisonment, and flogging, having been inflicted for libel,

in the reigns of William and Mary, of Anne, of Geo. I. and of Geo. II. disclaiming at the same time any desire to express approbation of such severity, though he could not avoid stating the cases, in order to shew that in good times more severity was used than at present. He was not surprised at the part the honourable Baronet took upon this subject, because he had forborne to prosecute a most gross libel against himself which appeared in another part of the same paper in which he read the passage of the honourable Baronet's speech. That paper had represented the honourable Baronet to have said "that all the grievances of the people were engendered in the corruptions of that House of Commons, falsely stating itself to be the legal representatives of the people." This was a most gross libel on the honourable Baronet: but he was treated much worse in a subsequent part of the paper, where he is made to say, "that no government can stand without the confidence of the people;" and also, "that the people can never regain their right to petition the House during the remainder of this long and misguided reign." All those passages, he contended, were gross libels on the honourable Baronet, particularly the last. The whole of the argument of the noble Lord resolved itself into this, that there had been a greater number of prosecutions for libels of late than formerly. This had been satisfactorily answered by the observations of his hon. and learned friend, from the greater number of periodical papers that were now published, which was likely to be followed by an increase of libels. There was a spirit in many political writings at present, which was peculiarly dangerous, and required to be carefully watched, and put down if possible. It was not confined to the attack of this or that Administration, but was hostile to the very Constitution itself. Attempts were made to calumniate the very system of the Government itself, and particularly in regard to the army, on which the safety of the country so greatly depended. It was an ominous circumstance with regard to the present period, that the press had teemed with more libels on that very point than on any other. To give the House some idea of the astonishing multitude of periodical publications, he would mention, that in last January alone, there were no fewer than 2,037,000 stamps for newspapers issued from the Stamp-Office. Under such circumstances, taken altogether, the mildness and moderation with which the power

of the Attorney-General had been exercised, really appeared, as manifest as their legality.

Mr. Peter Moore observed, that all that was sought for on the present occasion, was the means of investigation. The public mind was greatly interested in the present question; and very properly, for the liberty of the press was the best birth-right of an Englishman, and what, perhaps, he had most to depend upon for the maintenance of all his other rights. To his certain knowledge, in consequence of the numerous prosecutions lately instituted, an alarm had gone abroad that struck such a terror into booksellers, (*A laugh*) that when a person very lately offered a pamphlet to the London booksellers, displaying the most nefarious practices in certain gaols in Ireland that ever disgraced a civilized country, offering also to prove them by affidavits, he could not get a publisher. This fact struck him with alarm; for if the abuses of power were not to be exposed, then there was every danger of their being practised with impunity.

Sir S. Romilly declared, that he would not enter upon the general questions which had been that night the subject of discussion, but would shortly state his reasons for the vote which he should give in favour of the motion. The object of it was merely for an account of the number of *ex-officio* informations that had been filed within a certain number of years back. Now, really, when it was considered, that these were professedly prosecutions instituted by the Government, for the public service, and at the public expence, one would think that there must be very strong reasons, indeed for not acceding to their production. Every thing that had been said by his honourable and learned friend, the Attorney-General, afforded the strongest reasons for granting the information that was now sought for. Public prosecutions ought never to be matters of secrecy, and particularly prosecutions relating to the liberty of the press, which was the great safeguard of all our privileges, civil, religious, or political. (*Hear!*) The strongest grounds, then, ought to be laid for rejecting the motion. But it was said, that a charge had been made, and if the House granted the papers, they would seem to sanction the charge. Now it appeared to him, that there had been rather two statements of facts, and that that had been asserted on one side of the House which had been denied on the other. Would the House, therefore, refuse the most

authentic information that could be obtained, as to the facts, on which alone they could form their own opinion? His learned friend who spoke last but once, had said, that the libels which had been prosecuted by the Attorney-General had no connection with the present Administration, or with one Administration more than another, and therefore that the advisers of such prosecutions were not actuated by party motives. This might be all very true; but how was the House to know it, if authentic information was denied? Which of them knew how long those prosecutions had been suspended over the head of the defendants? From the speech of his learned friend the Attorney-General, the House would naturally be led to conclude, that he had acted a very meritorious part; why, then, did he object to give that decisive evidence of the propriety of his conduct, which would satisfy the House and the country? There was often heard in the speeches of Ministers a disposition to talk loudly of their responsibility, and in so doing they were cheered by their friends for their great magnanimity; while perhaps the very next day they refused all information; and consequently prevented inquiry, without which there could be no responsibility. Besides if unfounded suspicions had gone abroad, was it not to do the most important benefit to the Government, to afford the required information; and if refused, was it not likely to confirm the suspicions that were entertained? He was further desirous of inquiry because it would include that period when he had the honour to be Solicitor-General, and when he believed no prosecution was undertaken without his opinion and assent. It was said, the press was more licentious than formerly; but it was the common language of all Ministers to represent the press as peculiarly licentious in their time. If of late it had been more licentious than before, that was only a proof of its wonderful buoyancy, for it had grown under greater restraints in respect to publishers and printers than had ever been formerly known. To his own knowledge the existing law requiring the name of the author, or at least of both printer and publisher, had prevented booksellers from publishing books the most innocent, because the author did not choose that his name should be known. It had even been avowed by lawyers as much more important to punish the printer or publisher than the author, and as more effectually checking improper publications. The penalties to which printers and publishers were liable ought to be

strictly watched, for if the regulations respecting them were strictly enforced, the penalties would affect even the compositors and pressmen ; and the business would be so fettered and degraded, that no person of respectability would engage in it.

*Mr. Elliot* and *Mr. Lockhart* opposed the motion.

*Lord Folkestone* replied generally to the several arguments advanced against his motion.

*Mr. C. Adams* thought if the Attorney-General wished to shew that his conduct had been such as he stated it to be, the greater publicity was given to it, the better it would prove his case.

The question being loudly called for, a division took place—

For the motion	-	-	-	-	36
Against it	-	-	-	-	119

Majority	-	83
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Adjourned.

## HOUSE OF LORDS.

FRIDAY, MARCH 29.

On the motion of the Earl of Lauderdale, some papers relative to the Correspondence between Government and the Distillers were ordered to be laid before the House.

### COMMERCIAL CREDIT.

The Commercial Credit Bill passed through a Committee, and was reported without amendment.

*The Earl of Lauderdale* gave notice, that he should move a clause on Monday, to prevent the Bank from purchasing the Exchequer Bills issued under this Act. His lordship also stated, that he should then prove that he was correct in stating that the Bank of Ireland had diminished its issues after the Report in 1804, and which had been positively denied by a noble Earl (Ross) on the former evening.

*The Earl of Ross* said, he had not denied that the Bank of Ireland had diminished its issues at the period alluded to ; but what he maintained, and was still prepared to contend, was, that the exchange became more favourable to Ireland previous to any diminution of its issues by the Bank. His lordship then proceeded to notice a statement in the

Report of the Bullion Committee, which, he maintained, was founded in error; namely, that the Bank of England had increased its issues between June 1804 and 1806—whereas it was proved by documents, that, during that period, the issues were diminished.

*The Earl of Lauderdale* compared the present state of the paper currency with former depreciations, contending, that the same cause, namely, an excessive issue of paper, would infallibly produce similar effects to those produced by that means in the reign of William III.—to the depreciation of assignats in France—and to what had been witnessed in every one of our colonies. In consequence of an excessive issue of paper, the coin disappeared, and the paper became depreciated—an evil which was only cured by limiting the quantity of paper.

*Lord Holland* observed, that the very same arguments that were now used, by those who contended that the paper currency was not depreciated, were used in France, to prove that assignats were not depreciated.

*Lord Redesdale* contended, that bank notes were in a different situation from assignats, being issued on securities which must be paid in a certain and short period, and in payment of which the bank notes were returned.

*The Earl of Lauderdale* observed, that the assignats were issued on the best security in France, namely, the land, and, whilst they did not exceed the amount of that security, remained at par with bullion; but as soon as it was known that more were issued than could be taken in payment for the land, then they began to fall in value, until at length they sunk to nothing. So by the Directors of the Bank of England increasing the issue of bank notes, for which cash was not to be had, the Bank paper had become depreciated, whilst the Bank Proprietors had gained the enormous profit of 21,000,000*l.* since 1797.

*Lord Redesdale* admitted the cause of the depreciation of assignats, but contended that the assignats were issued by Government for provisions, for the armies, and other articles, without any prospect of their being returned, whilst the notes of the Bank of England were issued on securities, in payment of which they must be returned within a short period. The Bank notes were merely similar to assignats before their depreciation.—Adjourned.

## HOUSE OF COMMONS.

FRIDAY, MARCH 29.

*Mr. Byng* presented a petition from Upper Holloway, and *Mr. Mellish* one from Kentish Town, in favour of the Highgate Archway.—Ordered to lie on the table.

A person from the Bank presented an account of the Bank Notes in circulation at different periods since the year 1718.

BILL FOR THE BETTER PREVENTION OF ROBBERY IN  
DWELLING-HOUSES.

*Sir Samuel Romilly* moved the second reading of the Bill for the better prevention of Robbery in Dwelling-houses.

*Colonel Frankland* said, that last session three Bills had been brought in to alter the penal laws of the country, all of which Bills were lost; one in that House, and the other two elsewhere. Added to these, now two more were brought in, shewing a manifest disposition in the framer of them to change the whole system with respect to compound larceny. His learned friend had certainly given the public his sentiments most explicitly on the subject, and he believed his perseverance arose, not from pertinacity, but conviction.—He sincerely believed, that he thought his proposed alteration would tend to promote the happiness of his country.—If, however, his learned friend, in pursuance of a high authority which he had quoted, wished to leave some memorial behind him of his assiduity in his profession, he ought rather to have selected for his labours that branch of it in which he was particularly conversant. There was not a Magistrate in the country but had more practical knowledge of that system which he proposed to alter than his learned friend himself, though, perhaps, not by any means so skilled in the practice of the Courts. Great care should be taken in meddling with those laws which had been long established, and which interwove themselves with the manners of the country, and in some degree formed the national character of the people. There was not a nation in the world in which the pilfering propensity was less frequent than in this; and this was a circumstance the more to be remarked, because of the vast personal property we possessed. Commerce had by its consequences tended to

produce an amazing display of wealth; and every shop exhibited a rivalry which should most excite the craving appetites of the passenger. What had happened of late to call for these Bills? What Magistrate, superior or subordinate, had made representations on the subject? Not one. On the contrary, he knew that many Magistrates, high in office, and of sound judgment and long experience, had opinions against the change proposed. He believed this change was now attempted simply because the present system did not accommodate itself to the received opinions of a certain class of persons in the kingdom. There was a vast difference between the original enactment of laws, and the repeal of them. Some of these laws now proposed to be changed had been established for above half a century.—Men's minds were made up on them, and familiarised to them; so that any alteration now would only go to unsettle the opinions of the people, and produce mischief rather than benefit. As a proof of this, the very knowledge that the repeal was discussing in that House made many suppose that the repeal had actually taken place, and that the opinion of the Parliament gentlemen (as they expressed it) with respect to the law, was widely different from what they had been taught to suppose. This unsettling of the popular opinion could have no possible good effect. The honourable gentleman contended, that the principles of the present Bill went to overturn the system of Criminal Law which had so long prevailed in this country, and which had hitherto produced so many practical good effects. If the new system proposed by his honourable and learned friend were allowed to take place, he was convinced it would be attended by the most pernicious and fatal consequences. The doctrine meant to be inculcated was, that prosecutions were not sufficiently numerous, because people were backward in bringing them forward, the punishments being so severe, as, in most cases, that of death.—But he believed this was more in idea than reality. It had been advanced, that Juries acquitted—that Judges mitigated—and Kings pardoned; and all this because the punishment of death was so prevalent for almost all felonies; but he thought the latter part of this doctrine destroyed the former; for if Juries did not convict, how could Judges mitigate, or Kings pardon? He was assured in his own mind, that the Magistrates of the different counties must have as good a knowledge on this subject, as his honour-

able and learned friend could possibly have, whose mind must, of course, be diverted to many other most important studies; and yet it was evident not any one Magistrate in any part of the kingdom had offered a thought on the subject, tending to wish to alter the criminal law, or divert it from the course in which it had been, so happily for the interests and welfare of the country, administered for so many centuries. He verily believed that the Bill which passed last year, and that was brought in by his honourable and learned friend, had already done much mischief—that larcenies had been immensely increased by it. Those persons who were ill disposed now met, and said to each other,—“I always understood that plundering and stripping a house in the day-time was a hanging matter; but now I find the Parliament gentlemen think otherwise, and we may now get off with only a trip to Botany-Bay;” they then described the nature of the country, the fertility of the soil, the salubrity of the climate, and the chance they might have of making their fortunes in the new world; and the consequence was, that larcenies had greatly increased, and that prosecutions had multiplied to an extent sufficient to gratify the taste either of his honourable and learned friend, or any other person whose appetite for them was not most enormous indeed. He read several questions which had been put on this subject to the Recorder of the City of London, and the answers of that learned gentleman; all of which tended to prove the truth of the argument he had advanced against this Bill. Other countries might enact laws of a more lenient nature than that of death, but it was in consequence of their being in a situation to be able to carry them into effect. In this country, where the wealth was extremely great, and the display of it much more so, temptations were held out to the indigent, the lazy, and the wicked, to possess themselves of that property belonging to others which fortune had denied to them; and unless the punishment for unlawfully taking it was severe, no man of property could be safe. It behoved the House to recollect, that with many hundreds of persons in this country, personal property was their only means; and this our ancestors had wisely guarded by laws, which from their severity should deter men from the attempt of taking it from the lawful owner. His honourable and learned friend might have argued his own mind into a belief, that the law in this respect, as it now stood, was too severe; but

he (Mr. Frankland) was, on the fullest and most mature consideration, of a contrary opinion; and so convinced was he that great practical evils would result from passing this Bill into a law, that he could not help conjuring the House, in the most earnest manner, not to depart from the wise system adopted by their ancestors, and the strict adherence to which had brought this country to its present state of prosperity, wealth, and grandeur; a departure from which could not, he feared, fail of being attended with consequences which every one would have the most abundant cause to deplore.

*Sir John Anstruther* said, that if he had the fears that some gentlemen appeared to entertain of this change as a dangerous innovation on our laws or political frame of government, he certainly should not support it, for it could not be supposed that either he, or his honourable and learned friend (*Sir S. Romilly*), could wish to disturb the frame of our government or of our laws. So far from this being a violent change in our laws, he considered that it would only be bringing back the penal code to the point from which it started. No man could look at our penal code as it stood upon paper, without horror. Most of the penal laws appeared not to be founded on any proportion of crimes and punishments, but to be passed with little observation, just as one particular crime happened at a particular period to be prevalent, or as a particular trade happened at one time to be more exposed. He must confess that those punishments were seldom inflicted, but still they were in the code. The remedy that naturally suggested itself was, that this penal code should be from time to time revised by the Legislature. The principle of punishing crimes of great enormity, was to deter others from the commission of them, by the example of the punishment. Nothing in those cases could be thought about the good of the individual; for the only good he could do, would be by the warning of his punishment. There were punishments, however, so barbarous, that we had not a right to inflict them, even to deter others from the commission of crimes. Common justice required, that punishments should be proportioned to crimes, and we had no right to act unjustly to one individual, to prevent others from committing crimes. In many of our punishments, those very circumstances which would seem a mitigation of the moral guilt, were an aggravation of the punishment.—When the temptation to commit the crime was great, one

would suppose that human infirmity might somewhat excuse it; the contrary, however, was the principle of many of our penal laws, for the stronger the temptation, the severer was the punishment. In the punishment of minor offences, it was as material that the proportion of punishment to crime should be preserved, as that the punishments should be of a nature to deter persons. He was convinced, that it was on account of the severity of our code that many persons would rather put up with the loss of their property than prosecute; and the knowledge of this feeling encouraged the commission of crimes: whereas, if a punishment short of death was inflicted, persons would not hesitate so much to prosecute, or juries to convict. There were many gross absurdities now in our penal code, by which the very circumstances which ought to aggravate the offence, were made circumstances of mitigation. For example, shop-lifting was felony; but if, in addition to the crime of taking in a shop, a man was to break into the shop by day, then it would be simply larceny. The great evil of making the laws too severe was, that judges became *astute* and *cunning* in evading the laws, and the juries hesitated to convict.—The sympathies of the multitude were generally turned in favour of the accused, which was a great moral evil. When sentences of death were pronounced, which every one knew would not be executed, that solemnity which would otherwise be impressive, was considered a mere legal form and mockery. In every view he could consider the subject, he highly approved of the principle of the Bill of his honourable and learned friend (Sir S. Romilly), and was convinced that the effect of it might perhaps be to increase prosecutions, but to diminish offences.

*Mr. M'Donald* thought, that the House should not be deterred from adopting the principles of the Bill proposed, merely from its being stated that it was an innovation.—Every improvement that was ever proposed, might be got rid of in the same way by the cry of innovation. We could not suppose our code was so wonderfully constructed, that it had the preternatural merit of never requiring to be revised. As our wealth and luxury had increased, so had our penal code; and it was necessary, from time to time, to revise it, and see whether some punishments were not altogether disproportioned to the crimes. The severity of our code produced in the injured parties a reluctance to prose-

cute. In the Juries it often produced perjury, and in the Judges connivance at it. The juries through natural feelings of humanity and compassion usurped a power which the law did not give them, and Judges seemed very well content that the discretion should be shifted from themselves to somebody else. As to the sentences of death which were so often pronounced, and so seldom executed, they now appeared to the prisoners, as well as to every person in the Court, as mere senseless words, muttered over the head of a poor pilferer, and which had no meaning annexed to them. He highly approved of the principle of the Bill.

*Mr. Herbert* opposed the Bill at some length. He preferred the experience of our old laws to any theory, and appeared to think that the proportion of punishment to crimes was not an object so material, as the attempt to deter persons from the commission of crimes by severe punishments, which might be mitigated if the Judge thought proper.

*Lord George Grenville* said, exaggerated rigour uniformly defeated its own object, and there was a point, beyond which its influence would not extend. To punish small crimes with death, therefore, was not only the height of injustice, but it was also extremely impolitic. What opinion would a stranger form of the humanity of England, when he was told that fifty years ago there were more than 160 offences punishable with death? If different gradations of crime, the small and the great, were to receive the same punishment, the greater crimes would be naturally resorted to. He then proceeded to shew how inconsistent this severity was with the Christian morality, and the danger of lightly condemning a man as unfit to live, who might be more unfit to die. These severe punishments, he said, had their origin in the feudal code. It was natural, in times of ignorance, to recur to an indiscriminate severity. The most horrible punishment of those times, which was inflicted for parricide, &c. was now laid aside; but the secondary punishment of death for comparative trivial offences, still remained. The law, therefore, either has done too much or too little, in removing the one punishment and allowing the other to subsist. Those who dreaded the consequences of this repeal, he would refer to the effects of the alleviation of punishment introduced into Russia by the Empress Catharine. Those who object to the repeal, seem to think that whatever is must

be right; for if wrong, it must have been already discovered, and in this manner error was continued from generation to generation. Whatever fate this measure might have at present, he could not but congratulate his honourable and learned friend (Sir S. Romilly) on the noble employment to which he had devoted his high talents. Sooner or later the cause he had advocated must triumph, because it was the cause of good sense, humanity, and justice.

*Mr. Abercrombie* said, he thought the speech of his noble friend who spoke last, as well as the speeches of those who had preceded, partook too much of general discussion, and seemed rather to wander from the question. One would suppose that a new code was intended to be introduced; whereas the sole object of discussion was a short practical question, whether a law should remain which was almost never enforced, or whether the present Bill, which took away in the few instances where that law was executed, capital punishment, was more expedient and advisable? It had been said, what opinions of practical men were there in favour of the Bill? He would say, that they had the opinion of all the Judges, and all the Jurors, who have been in the practice of administering the laws for many years past, in their favour. Practice was therefore in favour of this Bill. It had been said on the other side, that there was no ground of complaint under the existing laws. The single subject of dispute therefore was, whether the disadvantages were such as to warrant the repeal of those laws, or whether the measure of his learned and honourable friend was more advantageous, and admirably calculated for the prevention of crime. One great disadvantage of the existing system was the disinclination of Judges and Jurors to execute the laws, as painful to their feelings. It was mortifying that the people of England should remain so long subject to the animadversion of the people of other countries, either directed against the laws or the execution of them, and that foreigners should have it in their power to make Englishmen blush for those laws which put Judges and Jurors in such a situation that they could not discharge their duty. He held in his hands an account of the number of persons committed, tried, and convicted during the last ten years. It was unfortunate, however, that for the last five years, the numbers of those who were committed, and those tried, were not distinguished. This list afforded the most complete practical illustration of the disinclination to prosecute

To what other cause could the disparity between the commitments and trials be imputed?

In 1802 there were committed 107—actually tried 79

— 1803                -                -                168                -                -                109

— 1804                -                -                135                -                -                59

— 1805                -                -                131                -                -                76

— 1806                -                -                128                -                -                56

This return being official, certainly called on the House to consider the cause of this defection in the trials. As to another point, he could add nothing to what had been already said, namely, that of the situation of the Judges and Jurors; but as it constituted a leading feature of the case, he should advert to it. When he recollected that Judges and Jurors were every Session guilty of that for which they were certainly not punishable, but which, nevertheless, could go by no other name than that of perjury, he certainly did think, that some reformation was called for. He should unfold a case which was already stated last Session—a case so striking, that it cannot fail to make an impression. A female had stolen a 10*l.* note. The Jury returned a verdict for, below 40*s.* Nothing can afford a more striking illustration than this fact, of the inconvenience to which Juries are subjected. Is it fit that they should continue subject to them? What opinion must a person who heard the trial, have formed, if next day he himself should have stood in the criminals' box for perjury? Except in a solitary instance, therefore, of one in a thousand, the laws are never executed. It would be found that in the course of the last ten years eight hundred and ninety-five individuals were tried, of whom 155 were acquitted, and of the remainder 414 were found guilty of stealing below the value of 40*s.* He would ask any person who heard him if there was the smallest room to doubt that of these 414 people so found guilty, a very great number must have been guilty of stealing to a larger amount than 40*s.* The verdict, therefore, was contrary to fact. By repealing these laws a very great relief will be afforded to both prosecutors and Juries. Prosecutors must be much more disposed to come forward when assured that the punishment is commensurate to the crime. When his honourable friend first stated this disproportion in that House, to men supposed to be possessed of the best information of the country, it appeared as a new fact, and excited a good deal of astonishment. Was it, therefore, astonishing, that those whose situation precluded

them from that information, should remain ignorant of the leniency of the practice, and should feel the greatest reluctance to prosecute? The necessary and infallible consequence, therefore, of the repeal would be to increase the number of prosecutions, and the number of convictions; and the opinion would become generally prevalent, that punishment would follow the offence. The reasons opposed to this measure were contradictory; for, according to them, it was sufficiently known that the Jury, the Judges, and the King, mitigated the punishment in practice. Their theory, therefore, held out a punishment which it was known was not to be executed. He could not conclude without expressing the sincere obligation which the country owed to his learned and honourable friend, not only for bringing forward the present measure originally, but persisting in it notwithstanding the opposition he had met with. He had now the hope of being at last rewarded for his exertions—for there was evidence that he had made converts of many who had formerly been his opposers; and although he might not be successful this session, yet he had no doubt that perseverance would at last crown his efforts with success, and render him one of the greatest benefactors of the country of which he was at present one of the greatest ornaments.

*Mr. Edward Morris* said, that he could not help relating to the House the case of an unfortunate woman, tried for stealing above the value of five shillings. He was present at the trial. From many circumstances it was obvious that it was a first offence, and every person in court wished her acquittal. The jury watched the testimony very narrowly, to see if any thing could be laid hold of in her favour. Lord Kenyon told the Jury, that they were not to take any of the alleviating circumstances into consideration in their verdict, whatever palliation they might be; and the woman was found guilty. Lord Kenyon proceeded to pass the sentence of the law. When the woman heard the sentence of death, she fell lifeless to the ground. Lord Kenyon, who was endowed with great sensibility, instantly called out "My good woman, I do not mean to hang you. Will nobody tell the poor woman that she is not to be hanged?" This case made a great impression on himself, as well as every one present. He had frequently heard the same noble Lord pass sentence, not on the prisoner before him, but on the law. He most cordially supported the present Bill.

*Mr. Percival* agreed, that it would be an important improvement on the law, if Judges were not compelled to pass sentence of death on those who, at the time of passing sentence, they should be of opinion did not deserve a capital punishment. It would make a wonderful difference, however, if capital punishments were entirely to be removed out of the criminal code in every case connected with the objects of the different Bills now before the House. The case cited by the honourable gentleman (*Mr. Morris*) was no doubt calculated to awaken the feelings of the by-standers; but it became the House, in their legislative capacity, to have firmer nerves. The honourable and learned gentleman (*Abercromby*) had placed the question on its fair footing, namely, if the alteration was, or was not, on the whole, well calculated to diminish the offences in question. He asked, on this principle, was the alteration proposed best calculated to prevent the offence now more peculiarly under consideration, in those degrees and shades of guilt which it was most desirous to prevent? Would not the severity of the punishment rather tend to check those deeper shades of criminality for which the severe punishments were always reserved? And would not the knowledge that the capital punishment was no longer to operate, be an encouragement to the perpetration of those more desperate robberies in the dwelling-house, which alone were at present visited with the punishment of death? He could not agree, however, to the suggestion of his hon. friend (*Mr. Frankland*), that an option might be given to prosecutors to lay their indictments capitally or not, as they chose. If this were the case, no offence would be laid as of a capital nature, unless from some improper feeling on the part of the prosecutor. As to the idea that the present measure would contribute to render punishment more certain, that he could not agree to, if by "more certain" was to be understood more defined, for, by the present measure a greater latitude of punishment than that now in use was allowed. The unwillingness to prosecute, he contended, was not to be attributed solely to the offence being of a capital nature, but to the expence and trouble of prosecuting, and to other similar causes. He denied that the criminal code of the country was bloody; on the contrary, executions very rarely followed ascertained guilt. The honourable Baronet (*Anstruther*) talked as if the present measure was not an innovation, but was only bringing back the law

to its original state. He would be glad to know what period of our history the honourable Baronet meant. Was it the period between Henry the VIIth and Edward IIIrd, when murder was a clergyable felony? If there was any part of the system proposed by his honourable and learned friend (Sir S. Romilly), to which he peculiarly objected, as being more capable of aggravation than another, it was that of robbing from the dwelling-house, which might be greatly aggravated by being accompanied by more of terror, breach of confidence, violence and danger, than were likely to attend on robbery on a river, in a shop, &c. He would suppose the case of a servant robbing his lady, when probably he was the only other person in the house, where it could not be accomplished without creating terror or even inflicting violence, or, he should figure where a servant awoke his master in the attempt to rob him, and the only means that remained to prevent him becoming a witness against him was, to add murder to the robbery. He conceived that the law should remain as it was, that it might prove a terror against the commission of the aggravated species of offences. He must, therefore, oppose the present Bill, whatever might be his course as to the others.

Sir S. Romilly concurred entirely in the testimony that had been borne by every gentleman who had spoken on the subject, as to the ability and ingenuity with which his hon. friend (Mr. Frankland) had opposed the present measure. He could not but observe, however, that his honourable and learned friend had been rather severe upon him, treating him as one who, so far as the present subject was concerned, was to be regarded merely as a speculator, and not a lawyer—or as one of those *dilettanti* lawyers, who knew no more of the law than any other person in the country, who had never made it his study. If so, and he was really so ignorant on this subject as his honourable friend represented him, he was, indeed, extremely unpardonable. For fifteen years he had been in the constant habit of going the circuit in his professional character; he had been much employed in the Criminal Courts; and when not employed there, he had been in the constant habit of visiting them, and taking notes for his improvement in that branch of the legal code of this country. But that his honourable and learned friend should be so angry at those whom he (Sir S. Romilly) supposed to be mere theorists, he (Sir Samuel)

confessed surprised him a little, as he could not help thinking that his honourable and learned friend dealt as much in theory as any man; indeed the greater part of his speech was so dark and abstruse, that he must be excused answering it actually, because he did not understand it. His honourable and learned friend had said that all the Judges were against the measure which he now presumed to press on the consideration of the House. He (Sir Samuel Romilly) had no reason to suppose any such thing.—He knew that he had the authority of the Magistracy of the country in his favour, and he had no reason to suppose that all the Judges were against him. He knew that he had the authority of one Judge of high rank against him, having experienced his opposition to the measure in another place. He had now also against him, the authority of the Recorder and Common Sergeant of London, and he was glad they had given their reasons for opposing the present measure, as it gave him an opportunity of examining what these reasons were. They objected to the proposed alteration, but why? Because the offences to which the Bills applied, were offences which had greatly increased and were now increasing! Could there, he asked, be any greater objection to a law, than that the offence against which it was intended to provide was increasing under it? If a person had a medicine administered to him, and a change of regimen was recommended, would it be enough to say, No, do not change the medicine for the person is dying without any change? Or, would the Chairman of the Physicians, when advising with the whole body as to the state of their practice, assign as a reason for adhering to the medicine and to the course of treatment in a particular malady, that their patients were coming to be cured, and were dying as fast as could be desired? If under the present law the offence had increased and was increasing, what a strange reason for objecting to a change! Of what nature, then, ought the change to be? They could not at this period of time go back to the wheel or the rack in search of a substitute for the present mode of punishment; and if they could not resort to a system of greater severity, why not seek for a remedy in a greater degree of lenity? If he (Sir S. Romilly) had succeeded, two years ago, in procuring a change of the law in this respect, would not the increase in the number of culprits, which was now regarded as a

reason why no change should take place, have been attributed to the very change which had been introduced? The chances of escaping, as the law now stood, were multiplied to such a degree as absolutely to operate as a snare to the commission of offences of this kind. He admitted that the number of prosecutions for stealing from the person had increased since the passing of his Bill exempting the crime of stealing privately from the person, from capital punishment; but this was the necessary consequence, and shewed that the measure was likely to operate. It must necessarily, at the first, increase prosecutions and convictions; but when its effects were seen and felt, it would immediately lead to a decrease of the crime. His honourable and learned friend (Mr. Abercrombie) had stated the disproportion between the numbers of persons committed and those actually prosecuted for stealing in the dwelling-house. If gentlemen would look, however, at the numbers committed for stealing in the shop, they would find that there the disproportion was still greater. The whole number committed for this offence in five years was 598; of these 120 were tried; 20 were convicted, but not one was executed: and for stealing in the dwelling-house, within the same period, only two were executed. It was impossible not to see that this proceeded from a disinclination to prosecute to the effect of inferring a capital punishment on such offences as these. The right hon. gentleman opposite, however, said that though punishment was not inflicted, the mere passing of the sentence would operate in a salutary way, by deterring others from the commission of crimes. How were persons to be deterred, however, by the idea of a punishment which they knew would never fall upon them? This was, indeed, to go to the nursery for our ideas; but such an argument would not operate with persons acute as those on whom it was meant to have effect were admitted to be. The cases alluded to by the right honourable gentleman (Mr. Perceval) as being of an aggravated nature, with great submission, did not apply to stealing in the dwelling-house, but must fairly be considered as stealing forcibly from the person. Yet these two cases of simply stealing in the dwelling-house, and the aggravated offence which the right honourable gentleman had himself pictured so highly, he would have punished in the same manner. As to the observations made by his hon. and learned friend on the work of Mr. Bentham, he (Sir S. Romilly) should only say, that it was

a most masterly and valuable performance, which would live and be highly thought of when those who now heard him would be no more; and if his honourable and learned friend had by his observations on that work made any gentleman who might not have already perused it, desirous to do so, he could assure that honourable gentleman, whoever he might be, that his honourable and learned friend had conferred on him a high obligation. The right honourable gentleman (Perceval) had said, that the Criminal Law of England was not a sanguinary law; for it was not to be executed. It was intended, however, to have been executed, and it was executed till towards the latter end of the present reign. At the beginning of this reign, more persons were executed than were pardoned, in the proportion of three to two, now not more than one was executed out of seventeen. Ministers, therefore, were themselves the innovators, and not him (Sir S. Romilly). All he wished to do was to make the law in theory what it was already in practice. Ministers, in the lenity with which they now executed the sentence of the law, only concurred in the general feeling of the nation. It was, as his honourable and learned friend (Mr. Morris) had expressed it—it was time that had become the innovator. Gentlemen would have it supposed that these laws, which he now wished to see amended, were the combined efforts of all the great men who had lived before us. So much the reverse of the fact was this, these laws had all passed without discussion of any kind. One or two discussions on particular criminal laws did take place previous to this reign; the others, as Lord Bacon expressed it, had been passed on the spur of the occasion. A gentleman would stand up and move that in such a case the benefit of clergy should be taken away, and it was done. The only choice of punishments then was, to brand the hand, or imprisonment for a year. The benefit of clergy, namely, being able to read, was then an exemption from punishment, on account of every offence scandalous to be thought of, being of itself an aggravation of the crime. The right hon. gentleman asked the worthy Baronet (Anstruther) what he meant by restoring the law? He would tell him. To give back to the offence the benefit of clergy; to let the law stand as it did before the Act of Queen Anne. To the cases already mentioned, he begged to mention the case of an apprentice tried in the year 1807 before Mr. Justice Lawrence, for robbing his master of his

pocket-book, containing six 10*l.* Bank notes. There were alleviating circumstances in the case. The master had held out an improper temptation to the boy, who had otherwise behaved in a most exemplary manner. In these circumstances, what could the Jury do? They found the boy guilty of stealing 3*9s.*! A most serious and distressing situation in which to place a Jury, by which they must find little less than a judicial murder, or get the better of it by a judicial perjury. A cruel case, first to compel a Jury to call on God to witness their observance of the oath they have taken, and then to open that Statute Book containing this Act, and say, you must consign this boy to death or you must violate your oaths. This was a most cruel course in which to persevere. If he had some opinions against him, he had also opinions of great Judges, now no more, in his favour on this subject. He had the opinion of Judge Blackstone, whom, as he had then ceased to follow the profession of the law, his honourable friend (Mr. Frankland) would probably conceive to be only a sort of *dilettanti* lawyer. He esteemed the severity of our Criminal Code as deplorable, and lamented that it should not be revised, at least once in a century. Lord Bacon too had set about a revision of this code; and even Lord Coke, an enthusiast, and even a bigot where the established law was concerned, observed, that though our laws went to inflict punishment, they did not go to prevent crime, which could only be done by instructing the poor and ignorant. He (Lord Coke) looked to the period when the English nation should be employed in that work, and prayed blessings on the head of those who should promote it. These he (Sir S. Romilly) esteemed authorities at least equal to the Recorder and Common Serjeant of London.

The House then divided—

For the Second reading	-	-	79
Against it	-	-	53

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Majority in favour of the Bill 26

The Bill was then ordered to be committed for Tuesday, as were also the Bills to prevent privately stealing in Shops, and stealing from Bleaching Grounds in England and Ireland.

## KING'S ILLNESS.

*Mr. Whitbread* postponed his motion for providing against the recurrence of a calamity similar to that under which the King now labours, till after the holidays.

## FOREIGN MINISTERS SALARIES BILL.

*Mr. Leach* moved the second reading of the Foreign Ministers Salary Bill.

*Mr. Banks* opposed the Bill, on the ground of its breaking in upon the line of financial reform already laid down.

*Sir J. Newport* was hostile to the second reading of the Bill upon the same ground.

*Mr. Brand* also opposed the second reading. He was adverse to any step that could have the least tendency to raise a suspicion on the part of the people of the sincerity of the efforts making by that House in the financial reform already entered upon.

*Mr. Percival* said, that amongst the objections he had heard urged against the Bill, there was none against its general provision. It was admitted that the persons in question ought not to suffer loss in consequence of their having held such situations; and that they ought to be provided for as far as it could be done consistently with the public service. The question then was, how far the present Bill was calculated to effect that?—He justified the conduct of the Duke of Portland's Administration, when it first came into power, in continuing to these Foreign Ministers the pensions given to them by the preceding Government.

*Mr. Abercrombie* said, it was then open to the King's discretion, whether he would continue to them their pensions or not.

*Mr. Canning* said, that from the constant exercise of the discretionary right in the King to grant a pension to all those who had served abroad as Foreign Ministers, there seemed to have arisen on the part of those Ministers, a correspondent right to demand; so that the claims were so many, and were represented to be so similar, that the great difficulty was to know where to grant and where to withhold; this, of course, led to difficulties which were justly obviated by the Bill of last session. This Bill provided certain rules, which were meant to regulate future claims, by putting aside all those which did not come within such regulations.

The first rule laid down was, that limiting the period of service within ten years from the date of his commission. The Bill further provided, that the person holding the Foreign Seals should certify that the claimant had not, within that space of time, refused any one mission to which the Government might have thought it fit to call him. This he thought to be a wise provision, and one that had been rendered the more necessary by a new custom, which was creeping in amongst those gentlemen, of exercising a supposed right of refusing any mission, after they had served out their three years, insisting upon it, at the same time, that this refusal upon their part to discharge their duty to the public, did not invalidate their claims to the pensions they were receiving from the public, upon the ground of those services. At the same time he had no hesitation in saying, that if, when he had the honour of holding the Seals for the Foreign Department, any exemption had been proposed in favour of certain persons who were supposed (he knew not why) to be interested in the fate of the Bill, he would then have consented to it. The omission made in the Bill of last year, respecting this case, was merely an oversight; and it ought be recollected, that though this Bill should pass, the discretion on the part of his Majesty to grant or withhold such pension, would remain entire and uncontrolled.

*Mr. Whitbread* expressed his reluctance in feeling himself obliged to vote against the Bill.

*Mr. Stephen* and *Mr. Giddy* were for the Bill.

After a few words from *Mr. Peter Moore* and *Mr. Lamb*, *Mr. Leach* replied; and the House divided,—

Ayes	-	-	-	-	-	34
Noes	-	-	-	-	-	22
Majority						12

The Distillery Bill was postponed.—Adjourned.

## HOUSE OF LORDS.

MONDAY, APRIL 1.

RELIGIOUS WORSHIP.

*Lord Viscount Sidmouth* adverted to the motion he had made last session, for Returns of the Places of Worship  
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in parishes having a population of 1000 persons and upwards, with the number of persons such places of worship were capable of containing, and the accommodation provided, &c. observing that the greater part of the returns were on the table, and the rest, probably, would be soon; he therefore gave notice, that soon after the recess he should name a day for the consideration of the subject, with a view to the Amendment of the Acts of the first of William and Mary, and 19th of George III.

#### COMMERCIAL CREDIT.

On the motion of Earl Bathurst, the Commercial Credit Bill was read a third time.

*The Earl of Lauderdale* moved to leave out the clause empowering the Commissioners to advance Exchequer-bills on the security of Heritable Bonds in Scotland, observing that it was contrary to the principle of advancing money to merchants, and that, from the nature of the security, the money could not be forthcoming within the time limited by the Act.

*Earl Bathurst* observed, that the clause merely empowered the Commissioners to take heritable bonds as an additional security. The same clause was in the Bill of 1793, and no inconvenience resulted from it.

*The Earl of Lauderdale*, in reply, denied the necessity of the clause.

The question was put, that the clause stand part of the Bill, and agreed to.

*The Earl of Lauderdale* then moved to leave out the clause empowering the Commissioners to advance Exchequer-bills to the incorporated Banks of Scotland, upon the ground that there was no necessity for it, the Banks not standing in need of any such assistance.

After a few words from Earl Bathurst, who stated that this clause was also in the Bill of 1793, the question was put, that the clause stand part of the Bill, and agreed to.

*The Earl of Lauderdale* then adverted to the notice he had given on Friday, his object being to leave out the clause empowering the Bank of England to purchase Exchequer-bills issued under this Act, and to substitute another clause, prohibiting them from so purchasing them.—His lordship observed, that the analysis of this measure, with this clause as it now stood, was, that the merchants having a quantity of goods for which there was no market,

the Bank could not accommodate them with discount; but by the interference of Government, advancing Exchequer-bills to the merchants, the Bank would take the Exchequer-bills as a security, and issue their notes for them to the merchants, thus increasing the issue of bank notes, which was already too great.

*Earl Bathurst* contended, that this would be by a side wind destroying the advantages of the Bill, as the Exchequer-bills which the Bank were prohibited from purchasing must necessarily be at a discount, whilst other Exchequer-bills would be at par. Nor would it prevent the issue of bank notes, as those possessed of the Exchequer-bills must sell them in the market, and purchase others which the Bank could take, and for which of course bank notes would be issued. There was besides a constantly operative cause which produced a reflux of bank notes into the Bank, as it was found by experience that although the dividends were paid every quarter in bank notes, yet that, after a short period, the whole amount of bank notes in circulation was nearly the same as before.

*The Earl of Ross* again adverted to the question of the exchange becoming favourable to Ireland, contending that it was not the result of a diminished issue by the Bank of Ireland.

*Lord King* observed, that the issue of the Bank of Ireland, after the restriction on cash payments in 1797, was four or five times as great as before the issue previous to that period, having been about 600,000*l.* whilst in 1803 it amounted to 2,900,000*l.*

*The Earl of Lauderdale*, with respect to the exchange, contended, that the alteration in favour of Ireland was forced, in consequence of Mr. Foster having advertised from the Treasury, in 1805, that Bills would be drawn at 11½, and subsequently at 10½ *per cent.* thereby forcing the exchange to that point; but, of course, the difference between that, and the actual rate of exchange, being paid by the public, subsequently this was found too expensive an operation, and, in 1806, the exchange was left to its natural course.

After some further conversation, the Bill was passed.—  
Adjourned.

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## HOUSE OF COMMONS.

MONDAY, APRIL 1,

## PRINTERS' BILL.

*Mr. H. Martin* moved the second reading of the Printers' Bill, which was carried, after a few words from the Attorney-General.

## DISTILLERIES.

*Mr. Curwen* rose to move, in reference to the Distillery Bill, for a Copy of the Memorial presented on the 27th of March by the London Distillers to the Lords of the Treasury, and for Copies of all Communications made to the same quarter on this subject by the Distillers of Scotland. He at the same time expressed a wish, that as the Bill stood last on the Order Paper, and would not probably come under consideration till a late hour, that it should be postponed till Wednesday.

*The Chancellor of the Exchequer* said a few words, when it was agreed to defer it.

## BULLION REPORT.

*Mr. Rose* wished to be informed, whether it was the intention of the honourable gentleman, for whom notice had been given as to a motion on the 5th of April, for the House to go into a Committee to take into consideration the Report of the Bullion Committee, to bring on the general discussion on that occasion? It appeared to him, that the question might very properly go at once to a Committee, and that the discussion should begin there. It was, however, in the highest degree desirable, that all unnecessary delay should be prevented, and that the House should clearly understand the nature of the motion to be made, and the precise intentions of the honourable gentleman respecting it.

*Mr. Abercrombie* replied, that the notice which he had been instructed by his honourable friend to give on this subject, he perceived, had been entirely misunderstood.—All that he had said was merely, that on Friday next his honourable friend, whose professional avocations would render it impossible for him to be in town before Thursday,

would name a day when he would submit some specific motion relative to the Report of the Bullion Committee.

A short conversation followed, which was terminated by an understanding, that the question would not be brought into discussion till after the holidays.

## MILITIA ENLISTMENT BILL.

*Mr. Lushington* brought up the Report of the Militia Enlistment Bill.

*Mr. Secretary Ryder* stated it to be his intention to enable the Militia Regiments to raise supernumeraries according to the Act of Elizabeth, to prevent their falling at any time below the proper number.

*Mr. Elliot* was compelled by a sense of duty to object to this Bill, though he could not now hope to say any thing new upon it. When he recollected who had on former occasions been associated with him in opposition to these expedients (the late *Mr. Windham*), it might well be supposed that the subject could present him with no cheering reflections. It might be said, that he was hostile to the Militia Establishment altogether; and that his arguments against it ought to be taken with some grains of allowance. He never had been an enemy to the establishment, provided it were kept to its original numbers. He then proceeded to state the grounds of his objection to this measure—to the increase of the numbers of the Militia—and to the Local Militia Establishments which for some time past had formed so great an obstacle to the regular recruiting for the army. His right honourable friend (the late *Mr. Windham*) had taken a comprehensive view of the whole subject, and had formed an excellent plan for the recruiting of the army. That unfortunately had been overthrown before its most efficacious engines had even begun to operate. It would be remembered, that the short term of enlistment—the return of the soldiers—and the advantage which would be universally observed to result from the occupation, had been considered as the most powerful means of success. Still its success, so far as it had gone, had exceeded his expectations, and those of the great character who had formed the plan. It produced for the first quarter at the rate of 10,000 men a year—for the second, at the rate of 13,000 men a year—for the third, at the rate of 21,000 men a year—and for the fourth quarter, at the rate of 24,000 men a year—all this by the ordinary recruiting at

a reduced bounty. But the efficacy of such a measure must depend on the opinion of its permanency; and since the unfortunate interference with it, the regular recruiting hardly produced a sufficient number of men to cover the waste of the army. The expence of Mr. Windham's plan had been urged as an objection—but in the end, the present method would be far more expensive, considering the height to which the competition and complicated mode of recruiting must raise the bounty. If Mr. Windham's plan had been persevered in, they would now have no occasion to resort to such a measure as this. It could not but disgust the Militia Officers, who were converted into instruments for recruiting the regular army. To be sure this was a case of emergency; and if the measure had been only temporary, he would perhaps have allowed it to pass without any thing further than a protest against the general principle; but it was held out as a permanent measure, and he must oppose it. The Militia Officers ought to pause before they allowed their regiments to be turned into recruiting legions for the Army; and every member ought to pause before he placed in the hands of Ministers a power of perpetual balloting. The system could never be carried on without ballot; and thus they would be continually ringing the changes on bounty and ballot. With these few observations, which his sense of duty compelled him to make, he would leave the matter to the House.

*Colonel Duckett* would have been very adverse to this measure if he had understood it to be a permanent one.— But he hoped it was not intended to make it perpetual. Necessity justified it at present; the same necessity which at times might justify the suspension of the Habeas Corpus Act. He expected that there would be no occasion, however, to have recourse to the ballot. After the late volunteering, the recruiting for the Militia had been very successful. He would support the Bill, therefore, as a temporary measure. If a scheme of the same kind were to be proposed again, he would certainly have serious objections to it, unless very different from the present.

*Mr. Giles* referred the honourable gentleman who spoke last to the Bill itself, to shew that it was intended for a permanent measure. The Bill recited, that "whereas it was expedient to provide a permanent supply for the Army, &c." and this quality of permanency was in fact the great objection to the measure. The Militia Officers were to be con-

verted into drill sergeants, to provide 10,000 men annually for the Army. With regard to the private men, it must be remembered that 240,000 in England were locked up by way of Local Militia, or Volunteers. These might be enlisted—but then their places must be supplied. The advantage to the Army might be gained by recruiting. They recruited for the Militia, and why not as well for the Line? The present mode only tempted men to enter the Militia first, and, after remaining there for a few weeks, they enlisted into the line for the sake of the double bounty. He was glad that the ballot was to be avoided, if possible. If nothing else could be done, they must indeed have the men. But indeed they never did get the men. A Militia Colonel had said, that out of 900 men, he had only got three principals. But the misfortune was, that while the expectation of ballot was held out, men could hardly be got by recruiting—the expectation of high bounties for substitutes, induced those who were willing to enter the army to keep back till they could do so upon the most profitable terms for themselves.

*Colonel Ellison* hoped it was not intended to render this a permanent measure. He had the strongest objections to the ballot and fines, which were a great local oppression, throwing that burthen on a few which ought to be borne by all. The men, however, must be had; and he was willing to allow this Bill to pass, in the expectation that there would be no occasion to have recourse to the ballot.

*Lord Castlereagh*, adverting to what had been stated by a right honourable gentleman (*Mr. Elliot*) against the present Bill, was willing to allow that if it were possible to raise 24,000 men annually by ordinary recruiting, it would be more advisable than to have recourse to a compound system. The measure of *Mr. Windham*, however, though favoured by peculiar circumstances, only produced in the first year of its operation 17,000 men.

*Mr. Whitbread* said 19,000.

*Lord Castlereagh* repeated it had only produced 17,000. All the facts relative to this subject were submitted to the House by *Mr. Windham* and himself in 1807. It was to be remarked that at that period there were no less than 54 second battalions in the country so reduced, that it was doubted whether they could possibly be filled up; and an order was issued, that if each battalion did not raise 400 men, in all about 20,000 men, the battalions would be dis-

banded, and the officers would forfeit their rank. The recruiting parties were in consequence increased from 300 to 700. He dissected the number of men raised that year, and found that no fewer were raised in one half-year than 8000 men by these 2nd battalions. Whatever influence the inducements held out by Mr. Windham might have on a philosophic mind, he was convinced that they would not have much on the aggregate of the population, and he was therefore unwilling to forego the permanency of service for any theoretical probabilities. To that system, however, he allowed its full influence, except in changing it so far as to allow an option to limited or unlimited service; and since that time the recruiting has fallen to about nearly its ordinary numbers. It had been said, why not raise men at once by ballot for the line? But to this it may be answered, that the Militia gives habits which prepare men for entering into the line, and that it is the natural colour of the mind of man to prefer in the first instance the home service. He thought it extremely probable that the Militia supernumeraries, with the ordinary means of supply, might supersede the necessity of a ballot; and he thought it therefore proper that something of this should appear on the face of the Bill, to put an end to all speculation.

*Mr. Whitbread* thought the noble Lord who spoke last had dealt very unfairly by that great man now no more (Mr. Windham), very unfairly by the army, and very unfairly by the country. The system of recruiting for the army, during the last war and the present war, down to the period when Mr. Windham's plan was proposed, was a system of force and violence. That plan was said to be theoretical, and in practice inefficient. Luckily, however, for the country, it was carried into execution—and its success exceeded the most sanguine expectations of Mr. Windham. The fact cannot be contradicted, that in that particular year alluded to, the recruiting for the army exceeded not only what has either happened before or since, but was equal to the ordinary waste of the army in time of war, namely, to 19,000, while the whole number now proposed to be raised was 22,000. The noble Lord was for reducing the number raised on Mr. Windham's plan to 17,000; but he contended that it was proved by Mr. Windham that the number was 19,000 and a fraction. The noble Lord next wished to detract from its merits, by imputing this increase to a second operation; the number of second battalions in which the rank of the

officers depended on their success in recruiting, and the number of recruiting parties. It had only produced, said the noble Lord, without these additional incentives, 8000 in six months. But the noble Lord ought to have observed, that the measure was, as had been predicted, progressive in its operation; and that the second quarter yielded an increase over the first; the third over the second; and the fourth over the third. The additional number of recruiting parties increased only the number of competitors; but did not increase the abundance of the market of recruits. That plan, however, was 'knocked on the head at once by the noble Lord, who had deprived the country of it for ever. They were now, in the present distressed state of the manufactures of the country, and when there was such a multitude of men in the market, obliged to make the present measure perpetual; a measure which let fall on the heads of a few that which ought to be spread over the whole country. The noble Lord will not allow that men are inclined to go at once into the Army. He wishes one jump into the Militia, and a second jump into the Regular Army. The reasoning of the noble Lord was here more childish than he could have expected. Why were men unwilling to jump at once into the regular army? Because they well knew, that by their double jump they would get a double bounty. This, however, came home to the argument of Mr. Windham, which, by leading men from step to step, and by increasing their remuneration at each, would have effectually kept up the numbers of the Army, without such a grievous burden to the Army. He then adverted to what had been said by Col. Ellison, who, he said, had declared that he would vote for the Bill, while he hoped it would not be carried into effect. The best way surely to prevent its having effect, would be to vote against it. With respect to the ballot, he said it was a grievous burden on the country. He called on every gentleman who had any experience on the subject, to say if he had not met with numberless instances of misery which wrung the heart, while there was no remedy? It was possible to bring forward such a number of instances of misery occasioned by the ballot, that he had no hesitation to say it was as grievous in its operation as any conscription that ever existed in the world. If there is a necessity, let your hand be laid equally on all.

*Mr. Wilberforce* said, the present measure shewed, in the strongest possible manner, the danger of having at any time

recourse to extraordinary methods, as in a short time they came to make part of a general system. Ministers had only to say so many men were wanted for the regular army, and the measure would be resorted to of course. By such a measure, all the improvements in the army, which Mr. Windham's plan was calculated to produce, would never more be thought of. The first introduction of draughting from the Militia was on the occasion of the expedition to the Helder, and it was then thought fit to accede to it from the extraordinary circumstances of the time. Who could then have supposed that it would become a general system? All the objections which were then urged, of converting the Militia Officers into recruiting officers for the Army, and of the insubordination it would occasion in the Militia, are now got over. They are now never thought of. Nobody would ever think now of urging the necessities of the country in favour of the measure. His great objection to this measure was, that it put an end to all the benefit naturally to be expected from the plan of Mr. Windham, who had the art of infusing his own spirit in whatever he undertook. The present system was distressing, and grinding in the highest degree on the lower orders.

*Mr. Secretary Ryder* contended that it was necessary, in the present situation of the country, that the Army should be kept up to its greatest and most efficient force. He wished, therefore, that gentlemen who opposed the present Bill would propose some substitute for it which would be equally effectual. At the same time he entertained no doubt, from past experience, that there would be no necessity for resorting to the ballot within the time mentioned by the honourable gentleman. It might be asked, then why not agree to the clause proposed to be introduced by the honourable gentleman (*Mr. Banks*)?—He would tell them why. He was afraid the introduction of such a clause would induce persons disposed to enlist, to suppose that the ballot would necessarily take place at the end of two years, and would prevent them from entering till then, when they might expect greater advantages to arise to them. As to the idea of discipline being destroyed by this measure, this was greatly exaggerated, and officers of the first eminence had declared that any regiment into which one-seventh of raw recruits had been introduced, could be in a state to meet the enemy within three weeks. As to the plan of enlisting for

limited service having been abolished, the fact was not so, but an option was allowed of enlisting for limited or unlimited service, and not one fourth of those enlisted chose to avail themselves of the former, though the difference in bounty was only one guinea, being five guineas for limited and six guineas for unlimited service.

*Col. Bastard* contended, that these constant leaps which the Militia were made to take, were calculated to produce, and in fact had produced, insubordination in the Militia. It would be a great deal better to put an end to this species of force at once.

*Col. Wood* maintained, that if the Militia Officers themselves chose, there was not a single regiment for which the full complement might not be raised by beat of drum.

The Amendments were then read and agreed to. Several new clauses were brought up by *Mr. Ryder*, which were also agreed to.

#### FREE LABOURERS IN THE WEST INDIES.

*Mr. Barham* fixed his motion relative to the introduction of Free Labourers into the West-India Islands, for Thursday.

#### SUPPLY, ORDNANCE, &c. ESTIMATES, AND BATTLE OF BARROSA.

The House having gone into a Committee of Supply,

*Mr. Ashley Cooper* proceeded to call the attention of the Committee to the Ordnance Estimates for the present year. — The Ordinaries were considerably greater than they were last year, arising principally from the transfer to this head of service of several articles from the Extraordinaries, particularly the artillery drivers, waggon train, &c. He had endeavoured as much as possible to follow a similar plan to that adopted in the Army Estimates, as being the most likely to make his statement intelligible to gentlemen who had been accustomed to attend to the Army Estimates. As the Estimates, however, were so transposed, it would not be necessary for him to compare them with the Estimates of last year. He should only say, in general, that they were 500,000*l.* more than those of last year. This arose particularly from the article of prize-money, amounting to 170,000*l.*—Foreign Service 200,000*l.*—and an addition of thirteen thousand men, amounting to 40,000*l.* There was only one new article in the extraordinaries which it would be

necessary for him to mention, being for magazines 50,000*l*. There were at present various floating magazines employed in the keeping of powder, but they were found neither to be so safe nor so useful as magazines on shore. The floating magazines, besides being dangerous, were apt to render the powder damp after it had been for any considerable time on board. In providing sufficient magazines for this purpose on shore, an additional expence must in the mean time be incurred; but, in the long run, if to be permanently followed, it would produce a saving. He had seen a calculation of the expence of one of the floating magazines, amounting to 9,000*l*. and which contained 3500 barrels. A permanent magazine on shore, which would contain 10,000 barrels, it was calculated would cost 15,000*l*. The expence of floating magazines capable of containing the same quantity of powder, would amount to 28,000*l*. so that it must be obvious, that, besides the disadvantage attending magazines afloat, those on shore would be infinitely less expensive. He should not detail any of the other articles in these Estimates, but should be happy to give any explanation relative to any of them, which gentlemen might please to desire. He concluded by moving, that the sum of 3,412,21*l*. 1*l*s. 10*d*. be granted to his Majesty, to defray the expence of ordnance for his Majesty's land forces for the present year.

*Mr. Ward* said, that he was anxious to take that opportunity of saying a very few words upon a subject, yielding to no other in public interest, and which the nature of the resolution now before them brought fairly within their consideration. He alluded to the late brilliant action fought upon the heights of Barrosa.—In the debate upon the proposition of thanks to General Graham, he was unwilling to divert for a moment the tide of eulogium that was flowing in from all quarters upon the distinguished merits of that day, by introducing any other subject than that of the British General and his British army; but now that they may have been supposed to have looked at the other circumstances of that memorable day, he might be allowed to ask for some explanation of, or if that could not be given, to express his deep regret at the unfortunate and deplorable misconduct of their allies in the battle of Barrosa. (*Hear! hear!*) Of that conduct it would be idle to affect to speak in doubtful terms: it unfortunately wore but too decisive a character, and was known, talked of, and reprobated with equal indignation by all parties throughout the country. General

Graham had not, to be sure, spoken of that misconduct in the terms which it appeared to have deserved; but when the delicacy of the situation in which he stood, and of the duty he had to discharge, were considered, his forbearance would be attributed to that wise discretion in which such minds were seldom found to be deficient. But though General Graham had, for obvious reasons, forbore to complain, yet the conclusions to be drawn from his silence must speak in a language too emphatic for a moment to be misunderstood. They were not to be told how General Graham and his army fought—neither need they be reminded in whose cause that army had prevailed over a much superior force. But was it to be endured, while the British troops were performing prodigies of valour in an unequal contest, that those allies, for whose independence they were fighting, should stand by, the cold-blooded spectators of deeds, the bare recital of which should have been enough to warm every man of them into a hero?—(*Hear! hear!*)—If, indeed, they had been so many mercenaries, and had been hired to fight for a foreign power and in behalf of a foreign cause;—if they had been so many Swiss, or *Condottieri*, in that case their breach of duty, however culpable, would have been less unaccountable, and perhaps more excusable; but here, where they were allies, bound to this country in obligations, greater than ever before one nation owed another—our brave men lavishing those lives which their country had so much better right to claim, in defence of that cause in which those allies were principals—in such a case, tamely to look on while the contest between numbers and bravery hung in doubtful issue, this did appear to him to betray an indifference, an apathy, which, if he could suppose it to prevail among the Spaniards, must render, in his mind, the cause of Spanish Independence altogether hopeless. (*Here Mr. Percival betrayed some symptoms of disapprobation*). He did not presume that such was the general sentiment in Spain; but sure he was, that what he had stated, as to the conduct of the Spaniards in the action of Barrosa, was the prevalent sentiment in the public mind; if that sentiment had been adopted upon false grounds, what he had said then would have this good effect, if it had no other, of giving the right honourable gentleman an opportunity of setting the public right in that respect. But to put it as a question of policy, and not of gratitude, he should wish to know from those gentlemen who thought all along with Ministers

upon the question of the Spanish war, whether they continued to hope for the cordial co-operation of the Spaniards? At Barrosa they were on Spanish ground—on the spot where they might have won the rescue of their wives and children from the bonds of a licentious enemy. When or where could they have had stronger motives to behave like men? And if they hung back in such a moment, at what other could they be relied on? Gentlemen would not, be presumed, talk of any prospect of success without the co-operation of the Spaniards themselves. They would not talk of this country conquering France in Spain, in spite of Spain herself. He did not wish to libel Spain (*Hear, hear, from Ministers*). He repeated that he did not. It was not of Spain as a people, but of Spain as a government he complained. He was not so blind to history, or the lessons it affords, as to suppose a people who had produced a Pizarro, a Gonzalvo, a Duke of Parma, Alva, or a Berri, could voluntarily submit to be slaves; but their misfortunes were to be traced to their government—a bad civil government, and a bad religious government, have been doing their bad work. First, we heard of Juntas—Juntas without number—then we had Provisional Juntas, which we were told were to do wonders. They, however, gave way to the Central Junta, and left the wonders to be done by them. And lastly came the Cortes, as useless, inefficacious, and troublesome as any of its predecessors, if not more so. They began by fulminating an ostentatious decree against some French words—excluding a few French words from their language, while 300,000 Frenchmen were in possession of their country—and finally succeeding in driving from Spain one of her most zealous, faithful and active adherents, the late Duke of Albuquerque. After some other observations, the honourable gentleman concluded by asking, if it was to be endured, that such a man as General Graham and his army were to be subject to the command of such a man as La Pena had shewn himself to be?—(*Hear, hear!*)—What did that Officer mean when he ordered the jaded troops of General Graham, jaded from the double toil of a long march and a hard-fought victory, to push their success and raise the siege of Cadiz? Where were his own soldiers? or was the command issued sarcastically? He was aware that there were delicate points, and that in a country where they appeared as an ally, they must be cautious how they would lay claim to any chief or exclusive command; but there must

be a limit to that delicacy, it must not carry them beyond all consideration of their own army. He would rather run the risk of offending the Spaniards, than sacrifice such an army as that commanded by General Graham. This country, in her proudest days, could ill spare such an army—its safety should not be risked upon punctilio to those who did not seem to know how to estimate its value; besides they were not warranted in counting upon precisely the same glorious results in the recurrence of similar circumstances. A very little more advantage on the part of the enemy might have turned the scale even against the same portion of skill, discipline, and intrepidity—numbers on the part of disciplined troops were a formidable advantage, against which no skill or courage could calculate with certainty. He thought it necessary to make those few observations upon a subject which he thought of all others called for explanation. He took that opportunity in preference to that offered him in the debate on the question of thanks, for the reasons he had already stated.

*Mr. Percival* admitted those reasons to be satisfactory. He agreed with the honourable gentleman as to the propriety of forbearance from any discussion upon the late vote of thanks, which could have had a tendency to interrupt the unanimity which was so desirable upon such an occasion; at the same time he thought that it would be unfair that such a forbearance should preclude any honourable gentleman from expressing his sentiments upon all the circumstances at any future occasion that offered itself. Having said this much as to the points in which he concurred with that honourable gentleman, he next proceeded to observe upon those in which he very materially differed from him.—And first, he was by no means sure that the honourable gentleman had grounds to bear him out in the assertions he had so loosely made—he rather thought that that honourable gentleman had expressed himself much more strongly than any materials with which he may have been furnished could possibly justify.—(*Hear! hear!*)—If the honourable gentleman had contented himself with expressing his regret that the Spaniards did not appear to have taken a more forward part in the action of that day, and signifying his wish for more satisfactory explanation upon that subject; if he had done this, he could have done nothing in which he would not have been fully warranted by circumstances; but when he thought proper, uninformed as he must be upon the subject, to take upon himself to describe *all* the

Spaniards as *the cold-blooded spectators* of the fight of Barrosa, he (Mr. P.) could not help think it as not a generous nor a fair anticipation of that judgment which was yet to be pronounced upon persons who were then upon their trial. Did General Graham (*Hear! hear! from several Members*)—Gentlemen cried *Hear! hear!* before they knew what they were to hear (*a laugh*). Did General Graham give the least foundation for stigmatizing all the Spaniards as cold-blooded spectators? or did he not rather state the reverse of this? the very reverse of what alone could justify the strong language made use of by the honourable gentleman? What were the words of General Graham? He says—“The exhausted state of the troops made pursuit impossible. A position was taken on the eastern side of the hill; and we were strengthened on our right by the return of the two Spanish battalions.”

Mr. Ward—“*Return! by the return!*”

Mr. Perceval—“Well, then, to read it with all the emphasis the honourable gentleman thinks necessary—“by the *return* (*a laugh*) of the two Spanish battalions that had been attached before to my division, but which I had left on the hill, and which had been ordered to retire.” (*Hear! hear! from the Opposition.*) But did gentlemen forget what followed? The next paragraph of the dispatch stated, that “these battalions made every effort to come back in time, when it was known that we were engaged.” Now, without inquiring into the propriety of the order that made those two battalions retire from the hill, he asked if there was any thing in the dispatch of General Graham to subject them at least to the charge of being the cold-blooded spectators? Was it then either just or generous towards the men of these two battalions, to call them by such opprobrious terms? He should not enter into that part of the speech of the honourable gentleman which related to the conduct of the Spanish war by the Spanish people. He would merely state, that, notwithstanding all the prognostications of gentlemen opposite, they had still succeeded in keeping their country unsubdued by France; and he repeated his opinion, that, considering the difficulties under which they laboured, they had done wonders.

Mr. Whitbread should have been glad to have joined in the general expression of exultation called forth by the victory of Barrosa in a recent debate. He should have been glad to have added to the general tribute his mite, in applause of the heroism of that day, and to have done himself

the honour of claiming the hero of that day as his much valued friend, this he should have been glad to have done, if he could have had sufficient control over himself to prevent him from doing more; but he was apprehensive that he could not have abstained from speaking of the conduct of the Spaniards. The right honourable gentleman had spoken like the advocate of the Spaniards; they must be defended at all events—no matter how! And yet what was it that was attempted to be defended? The English army was on the point of being sacrificed—the Spaniards were in sight of them, within twenty minutes quick march of them! and yet what did they? What were they? Why, just what they had been described by his honourable friend—cold-blooded spectators of the battle! Was this doing their duty to themselves or to their brave allies? It was not easy to speak upon it without giving way to indignation; and after coldly witnessing a band of heroes fighting and dying for their cause, General La Pena tells our small army, exhausted with its unparalleled victory over numbers, that, forsooth, now was the time to push its success—What did this redoubted General mean? Was it insult, or treachery, or cowardice, each, or all? He (Mr. Whitbread) did not mean to complain of the Spanish people, but of their officers. He should be sorry to say any thing so severe of that army, as that every soldier there felt as their General did. He only wished that the Spanish soldiers were put under the command of British officers, as the Portuguese were, and he had no doubt that they would behave as the Portuguese had behaved. He placed himself upon the silence of General Graham, and let the right honourable gentleman dislodge him from that ground if he could; while that silence remained as it did, he should ever think of Barrosa as a day memorable for the glory of the Britons, and not less memorable for the infamy of the Spaniards! Was it to be endured, that our brave fellows should be so basely deserted, after an excessive night march, the moment they entered the field, against a foe always formidable from discipline, and then doubly so from numbers? Why were the two battalions, concerning which the right honourable gentleman vapoured so much, why were they withdrawn from the heights of Barrosa? why was their position abandoned precipitately to the French? Who gave this order, but a Spanish Officer? What! should not this excite a jealousy? Is this the first time a Spanish army have been cold-blooded

spectators of British heroism? Did they want this to remind them of the stately indifference shewn by Cuesta in the battle of Talavera? Was all sound in Cadiz? Was there no French party there? Were British armies never before betrayed till the battle of Barrosa? He said betrayed, for it was nothing less: the two battalions never came up till our army had repulsed the French, beat them off, and was in hot pursuit of them as fast as our army could pursue, as fast as their exhausted limbs could carry their noble hearts! Then what have been our allies?—At Talavera nothing—at Barrosa nothing—or rather, at both, perhaps worse than nothing: the history of Barrosa was not yet told—a mystery hung about it. The allied force sailed from Cadiz—the British fought—the Spaniards looked on. The British conquered; and yet the siege was not raised.—Again he asked, was all sound in Cadiz? Was it true that General Graham had been obstructed and foiled in all his plans—that in the midst of the fight, while the British troops were doing feats which, perhaps, British troops alone could do, their allies were doing what, he hoped, such men alone were capable of—plundering the British baggage?—Was this true? It was not the Spanish people he complained of; he gave them every credit, but he gave their leaders none. If all this was so, or nearly so, were the British armies to be risked so worthlessly?—Were they to be abandoned to treachery or cowardice? For either or both must have originated the unnatural, ungrateful, and infamous treatment they had met with.

*General Tarleton* went into considerable detail, and inferred that there must have been treachery on the part of the Spanish Commanders.

*Mr. R. Wellesley* observed that it had once been considered by the honourable gentleman opposite, to be impolitic in this country to make itself a principal in the war on the Peninsula, but now it was held to be impolitic even to act as an auxiliary.—The honourable General had said the cavalry of the Spanish force was inactive in the engagement of Barrosa; but this was inconsistent with the statement in General Graham's dispatch, which described General Whittingham to have gained considerable success at their head, while another corps defended the *tele du pont*. The honourable gentleman (*Mr. Whitbread*) had spoken much of the corruption of the Spanish Government, but it ought not to be forgotten that they had espoused the

principles of liberty, and fostered the general ardour of the country.

*Mr. Ward* explained, and a conversation of some length followed between *Mr. Perceval* and *Mr. Whitbread* as to the influence of the Regency in the Cortes.

*Mr. Bankes* commended the correctness and accuracy of the Ordinance Estimates, but would reserve his remarks for the report.

*Mr. Wharton* then moved the sums contained in the Estimates of the Commissariat Department, which, after some observation from *Mr. Whitbread*, *Mr. Huskisson*, and *Mr. W. Smith*, were voted.

The sum of 1,600,000*l.* was granted to pay the interest of Exchequer-bills.

The Colonial Estimates were postponed to Wednesday.

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## HOUSE OF LORDS.

TUESDAY, APRIL 2.

BANBURY PEERAGE.

In the Committee of Privileges on the Banbury Peerage, Lord Erskine, in an eloquent and learned speech, replied to the arguments of the Lord Chancellor, Lord Redesdale, and Lord Ellenborough, delivered on former days. He began by highly complimenting the capacity and learning of his noble and learned friends; but he had not been convinced by their reasoning. They had contended that the probability or improbability of the legitimacy of the ancestor of the claimant, was to be the question for decision. In this he differed from them, contending that, by the civil, canon, and common laws, legitimacy was to be presumed till the contrary was proved. With a view to secure the advantages resulting from the institution of marriage, it was necessary that the presumption of law should be in favour of legitimacy. If two horses belonging to different persons had the sole access to a mare, the property of the colt might be decided upon probabilities of shape, colour, and other marks. But this rule would not apply to the human race, especially in a country like this, where there was no such thing as the guards and confinement of eastern countries. Legitimacy was to be pre-

sumed; and it could only be disproved in two ways, either by shewing that the husband was under a natural disability or impotent, or by proving that he had no access; and these points were to be proved like any other facts. It had once been imagined, that if the husband was within the four seas, the child would be legitimate, but this had been exploded. It had never, indeed, been a confirmed rule of law. It was sufficient to prove that the husband had no access. Even the cases that had been cited to shew that the probability or improbability was the question, proved, when closely examined, that access or no access had been the real point in issue. As to the objection of age, it weighed nothing in the scale; there were three Peers in that House who derived their descent from Sir Stephen Fox, who had twins born to him by a wife of unimpeached virtue, when he was of the age of seventy-nine or eighty. Instances of a similar nature were numerous; and there was no ground whatever for presuming, that because the Earl of Banbury was seventy years of age, that therefore the child was not his. His Lordship took a review of the evidence as delivered in the Committee of Privileges soon after the Restoration, and contended that there was no proof whatever of the non-access of the Earl of Banbury to the Countess, and therefore, that the presumption of law must be, that the child of the Countess, under whom the present claimant claimed, was the son of the Earl of Banbury.

*Earl Stanhope* moved to postpone the further proceeding in this case till Monday, which, after some conversation between the Duke of Norfolk, the Lord Chancellor, and Lord Ellenborough, was agreed to.—Adjourned.

## HOUSE OF COMMONS.

TUESDAY, APRIL 2.

### WESTERN FISHERY.

*Mr. Herbert, of Kerry*, moved the postponement of the second reading of the Western Fishery Bill, till Wednesday, 24th of April, which was negatived.

The House then proceeded upon the motion, that the Bill be now read a second time.

*Mr. Rose* supported it, and strongly contended that the Fishery should be taken upon a great scale, when the Dutch

had been driven from it, and the whole competition done away. It was a matter of the highest public importance. The Dutch had employed upwards of 100,000 hands in this business.

*Mr. Calcraft.*—The right honourable gentleman's argument might, perhaps, have been good for something, had not the foreign market been shut against us, while this country was glutted with fish supplied by private fishers. Such a Company as this would do nothing else than ruin all the private fishers first, and itself afterwards. He was an enemy in principle to these Joint-Stock Companies, which were never, except in very peculiar circumstances, preferable to individual enterprise. This was, besides, one out of a series of projects of the same kind, brought forward at the same time. It ought at any rate to be put off till the next session.

*Mr. D. Giddy* admitted it was highly proper to encourage the Fisheries; but if we had driven the enemy from the sea, he had driven us from the land—Where then was the market for the fish, there being already enough for the home demand?—These Joint Stock Companies were not to be encouraged. Much more benefit to the individuals and the public was to be expected from the frugal exertions of private persons, from their better management, their more immediate interest, and greater care, than from the prodigal and wasteful expenditure of great companies. The fisheries of Scotland, of Cornwall, of Newfoundland, were carried on without such companies. Nothing could indeed be more destructive to the fisheries than this. The fish could not be sold, and the effect would be to ruin the individuals who had already embarked their capital in the business. The Fisheries would by this means be completely paralyzed at the moment when the opening of foreign markets might render it of the greatest benefit. He therefore had no hesitation in giving his decided negative to the Bill.

*Mr. Marryatt* followed on the same side, and mentioned the failure of former schemes of this kind. The Companies had first ruined the private fishers and then themselves, their busses being seen rotting on various parts of the coast.

*Mr. Harvey* understood that one part of the plan was to get Dutchmen to teach the best method of curing the fish. That expedient had been already tried in a few instances, and these men having acquired a knowledge of our coast, were pilots on board the enemy's ships.

The question was then put, and the Bill thrown out without a division.

WEXFORD.—CASE OF COL. ALCOCK.

*Mr. Tighe* stated, that he held in his hand a Petition from certain Freeholders of the county of Wexford, praying for a new writ for the election of a member for that county, in the room of Colonel Congreve Alcock.—This was a melancholy case, and the freeholders had taken care to avoid any appearance of indecorous precipitation. The petition stated, that one of their representatives, Colonel Alcock, was deranged—that a commission of lunacy had been sued out, and their verdict was, that Colonel Congreve Alcock was of unsound mind—had become so on the 7th of November, 1809, and that there was no reasonable hope of his recovery. Every thing then had been done slowly and deliberately—there was no difference of opinion as to the fact, and the physicians might be examined at the bar. There was only one case in the Journals analogous to this—it happened in the 9th of Elizabeth, 1566. It appeared that in that case a warrant for a new writ had been obtained for a borough in Cornwall, one of the members being reported to be a lunatic. Whether the Report was by a single member or a Committee, did not appear. There were stronger precedents, however, though not exactly of this kind. New writs had been issued on the sickness of members, but there were also contrary precedents on that head. There was nothing, however, to contradict the precedent of a new writ in the case of lunacy. He would move that the petition be referred to a Committee of Privileges.

*Mr. Perceval* did not oppose the motion, but begged it might not be understood that he was pledged to agree to the issuing of the writ, even though the Committee should report these allegations to be true. It was contrary to the modern practice to allow new writs in cases of sickness or temporary infirmity. How far lunacy might make a difference, would be a question to be hereafter considered.

The petition was then brought up, read, and ordered to be referred to a Committee of Privileges—the Committee to sit to-morrow.

MAIL-COACHES.—TOLLS.

*Lord Binning* rose, pursuant to notice, to move for a Committee to examine into the expediency of continuing

to mail-coaches the exemption from tolls. This exemption was severely felt by all parts of the kingdom, but particularly in Scotland, Wales, and the Northern English counties. Some counties of Scotland had been forced to incur great debts for the repair of the roads, in consequence of this exemption—and the whole of Scotland lost about 7,000*l.* annually. The revenue derived from these coaches, indeed, was considerable; but the burthen was severer on the counties than the advantage to the revenue would warrant. The advantage of the mail-coaches was particularly experienced by the mercantile interest, who ought to bear their share of the burthen. He hinted that the loss of revenue might be made up by a duty on the coaches, which were a very profitable concern. At all events it was a subject well worthy of examination. The case of Government stores and baggage was not at all similar; for they were exempted from the beginning, while mail-coaches were only exempted after the debts on most of the turnpike roads had been contracted. It was said that the mail-coach system had subsisted for twenty-five years, and no complaint had ever been made. The duration of an evil without complaint was no argument against its being redressed; but complaints had often been made. At the first passing of the Act, it was impossible to foresee the extent to which the mail-coach system would afterwards be carried. He therefore concluded with moving, that a Committee should be appointed to inquire into the expediency of this exemption.

*Sir Peter Murray* rose to second the motion. He said the exemption was peculiarly felt in Scotland, where the revenues arising from the turnpike roads were insufficient to pay the interest of the sums expended in making the roads. The exemption was neither more nor less than a legal robbery of the creditors, who had advanced their money on the security of these roads, previous to its taking place. So great a grievance was the mail-coach exemption considered, that he had, along with several other gentlemen interested in a certain road, made a successful application to the Post-office, to prevent a mail-coach being established on it. In Ireland, mail-coaches paid toll.

*The Chancellor of the Exchequer* objected to the going into a Committee. The length of time which had passed since the exemption did not certainly preclude a right to redress; yet, as no application had been for twenty-five years made

to the Legislature, there was a presumption that no ground of serious complaint existed. This might happen from inattention in the first instance; but nobody could imagine that the mail-coach system had been in disguise for twenty-five years, and that, if necessary, redress could not have been applied for. Before the institution of mail-coaches, the post was carried free of toll. With respect to Scotland, he certainly did think that exemption was claimed there with a very bad grace; for there was no part of the United Kingdom where so much of the public money was expended in opening communications as in that country, by which the wealth of the country must be greatly increased. The repeal of the exemption would be a sacrifice of no less than 50,000*l*.

*Mr. Williams Wynne* said the exemption had been severely felt in Wales, and he could not but consider it in the light of a most unprincipled robbery. The Bill for the exemption was brought into the House on the 29th of June, and read a third time on the 6th of July. The distant parts of the country could have therefore no knowledge of it. Why should not the burden be equal? At first no mail-coach passenger could carry more than fourteen pounds with him; but now mail-coaches were used as the most convenient conveyance of parcels. Why should not therefore the parcels and passengers pay toll? The road to Dublin by Holyhead had been again and again indicted; but so great was the injury which it sustained from the mail that it was found absolutely impossible to keep it in repair. No loss of revenue, he contended, could ensue to Government.

*Mr. Rose* thought the six days sufficient for notice.

*Mr. Robert Dundas* joined in supporting the motion, and in stigmatising the exemption, which was severely felt in Scotland, where country gentlemen frequently advanced large sums of money in making roads, for which they seldom got more than two or three per cent. returned, and frequently little or nothing. The creditors on turnpike roads had many of them suffered severely from the exemption. The road from Carlisle to Edinburgh, for instance, could not be kept in repair by the existing tolls. They were doubled by Act of Parliament; and on the faith of this increase, money was advanced. A mail-coach was established, and the stage-coach which had formerly run was obliged to give up. The consequence was, the sinking of the tolls to

their former amount, to the great injury of the creditors. The mail-coach system was carried in many parts to an excess of which no conception could be formed here. For instance, numbers of two-penny post-coaches were perpetually crawling on the roads in the neighbourhood of Edinburgh, which could only have the effect of retarding letters.

*Mr. Wm. Smith* had a thousand times wondered that complaints against the exemption had not been brought many years ago. Mail-coaches were now very different to what they were at first. If a boat or a canal should have one-third of its freight military stores, was the rest of the freight to go free? A very small part of the burden of a mail-coach belonged to the public, one or two cwt. at most; why, therefore, was the remaining one or two tons to go free. If the 50,000*l.* which the Chancellor of the Exchequer said would be lost, if this motion should have effect, be unjustly taken from individuals, it ought to be returned; but no loss could be felt by Government, and the additional burden could only fall upon the passengers.

*Mr. Giddy* also approved of the matter being sent to a Committee.

*Mr. Fuller* thought, if the Contractors for mail-coaches did by their contracts possess peculiar advantages, they ought as well as others to pay toll.

The House then divided—

For the Committee	-	-	-	39
Against it	-	-	-	34
Majority				5

*Lord Binning* then moved his Committee.

A Message was received from the Lords, stating that their Lordships had agreed to the Commercial Credit Bill without any amendment.

#### WESTMINSTER HUSTINGS AND POLL CLERKS.

*Mr. Lushington* moved for leave to bring in a Bill for extending an Act respecting the expence of hustings and poll clerks at the different elections throughout the kingdom, to the city of Westminster. His object was to invite the attention of the House to the extent of this burden, and to the expence necessarily accompanying it, in such a city as Westminster, and to call on them to determine on whom

such expence should fall; if it ought not, as in other cases, to be borne by the candidates, instead of falling on the returning officer, who was in general exempted from every expence attendant on elections.

*Sir F. Burdett* observed, if the honourable gentleman meant to allude to the last election for Westminster, his Bill would not apply. The honourable gentleman's motion went to affect candidates. That was the case of a person who was not a candidate, but who had been elected without any application on his part. It appeared to him, (*Sir F. Burdett*) however, at first sight, that the High Bailiff of Westminster did not stand in the same situation with a Sheriff in an ordinary case.—A Sheriff was not a voluntary officer, but one on whom the duty was imposed. The High Bailiff of Westminster, on the contrary, however, was not only a voluntary officer, but one even who purchased his office, and one who derived emoluments from the discharge of it, though of what kind, or to what extent, he did not pretend to know. According to the general rule, therefore, where the privilege or advantage was, there ought the burden also to be laid. He said so much, not that he wished to oppose the bringing in the Bill, but that the inhabitants of Westminster might not, by his silence, think themselves precluded from objecting to the measure at a future period, if it should appear that the High Bailiff was already sufficiently reimbursed for all the expences attending his office. If the contrary should be the fact, he was convinced they had too much liberality to give the Bill any opposition.

*Mr. C. W. Wynne* saw no reason, if the measure was in itself proper, why Westminster should be particularly distinguished. He thought it ought to be extended to every populous place, as well as to Westminster.

*Mr. Perceval* preferred confining the measure, in the first instance, to the city of Westminster. It might be, as the honourable baronet (*Burdett*) supposed, that the High Bailiff of Westminster had emoluments which might be applicable to this purpose; but the fact of no application having been hitherto made by him, was by no means conclusive on the subject, any such application having been rendered unnecessary, in consequence of the candidates having themselves defrayed the expence in question.

*Sir F. Burdett* explained, that the Bill proposed to be introduced would not apply to such a case as that referred

to by the right honourable gentleman. To make it effectual, it must extend to persons elected, but who were not candidates. Besides, in the recent case alluded to, the High Bailiff did recover at law what were esteemed reasonable expences against the person elected, though he had not been a candidate.

*Mr. Lockhart* objected to the motion, as going to subject to expence, which it would be difficult to limit, Members of that House, who ought to be returned free from all expence. In time they might be called on to pay for assessors to the returning officer, as well as for clerks.

*Mr. Wilson* supported the motion on the ground, that the city of Westminster was not a corporate body, and, of course, could have no funds from which such expences as those now referred to could be satisfied.

Leave was then given to bring in the Bill.

#### MILITIA ENLISTMENT BILL.

The Militia Enlistment Bill was read a third time and passed.

#### REPEAL OF CAPITAL PUNISHMENTS.

On the motion of Sir Samuel Romilly, the Bills for preventing stealing in the dwelling-house, privately stealing in shops, stealing on navigable rivers, and stealing of cloth from bleaching grounds in England and in Ireland, severally went through Committees, and were ordered to be reported to-morrow.

#### DISTILLERY BILL.

*Mr. Perceval* moved the second reading of the Distillery Bill.

*Mr. Curwen*, in a short speech, opposed the motion. The scheme of equalization he thought to be at all times an hazardous one, but particularly so at present. He was sure that the interests of the empire at large, and those of the agriculturists, were identified, and they could not injure the one without affecting the other. It was agreed upon all hands that nothing should be attempted by the Legislature which could interfere with the agricultural interests—if then it was for the good of the empire that those interests should be protected and encouraged, he wished to know if they could be better promoted than by the encouraging of the consumption of grain? This had been the principle, the

avowed object of all their corn regulations for these many years back. Was it wise to depart from them? Would it encourage the consumption of grain, to lessen the demand for it in the distilleries? in effect, to remove it out of the distillery market? for the right honourable gentleman could not expect that the grain could hold a long competition with the sugar in the market—it was impossible. The consequence then would be, that, by discouraging the corn-grower, they would ultimately lessen the production of animal food. This was a consideration which was in itself enough to make the right honourable gentleman pause before he would proceed upon any measure that could have any such tendency. The favourite argument with the West-India proprietors was, that while we imported annually barley from the Continent, it is but fair that we should let the sugar of our own colonies come into the market against the foreign corn; but the fact was, that the amount of foreign corn imported was so trifling, as to be comparatively nothing; and therefore the far greater part of the sugar competition fell not upon the small portion of foreign barley annually imported, but upon the whole produce of our own corn growers. The importation of foreign barley taken in the year 1786, when the equalizing price was 38s. 6d. amounted to, for that year, 2058 quarters, and the return for the year 1806, when the regulating price was also 38s. 6d. amounted to 2038 quarters: from this return it appeared, that the foreign imports of grain had, under the same equalizing duties, sensibly decreased. Why arguments which presented themselves to every man who thought upon the subject could be so successfully evaded as they appeared now to be, he (Mr. C.) could not account for, unless it was, that perhaps no interest was so disunited as the landed interest, and none that acted so cordially together as the West-India interest. Thinking as he did that it was a question concerning which nothing was so much to be avoided as hurry, and that time was wanting to possess all parties of the necessary information, he should now conclude with moving, that the Distillery Bill be read a second time this day six weeks.

*Mr. Rose* in a few words opposed the amendment, and supported the original motion. He admitted with the hon. gentleman, that there was very little foreign barley imported; but still that which was imported, was imported for the purpose of distillation—if the home barley was con-

sumed as animal food (and there were many parts of England, Cumberland, and Northumberland, and other counties, where they make good bread of barley)—if, then, the home barley was used in this sort of consumption, the foreign barley principally would have to struggle in the market with the sugars; so that, in fact, the gist of the question was not so much whether they were to prefer the sugar-proprietor, or the corn-grower, as whether the foreign corn-grower should be allowed to undersell our own West-India merchants. The malt had a very small proportion in the distillery trade. There were annually made in England twenty-eight millions of bushels of malt, of which, but one million was consumed in distilleries. He hoped that the House would agree, without further delay, to read the Bill a second time.

*Sir John Anstruther* said, that he never should consent to let this Bill be read a second time, without further inquiry. Before they agreed to such an innovation upon their old corn-laws, they should ascertain, by inquiry, how far the proposed measure was expedient? and then, if expedient, how far it was probable it would be productive of the effects expected to result from it? The right honourable gentleman seemed to have gone upon the principle, that grain was never to sink below a certain price. But suppose that corn should become very cheap, and sugar still cheaper, how, in that case, would the right honourable gentleman bring his scheme of rules, conditions, and gradations, to bear? Besides, the measure would have a permanent effect. The moment the grain reached 38s. 6d. the equalization took place; then when the sugar became, as it must do, the chief and general article of distillation, no matter what change might afterwards follow, the sugar-distiller could not suddenly change himself into a corn-distiller; so that the effect would operate permanently against the corn-grower. The right honourable Baronet then proceeded to re-state some of the arguments touched on by a former speaker, and concluded by expressing his determination to oppose the second reading at that time.

*Mr. Barham* declared, that if the object of his honourable friend's amendment was nothing more than to supply new and important information to the House, he was not disposed to resist it. There were a few considerations, however, that occurred to him which he was desirous of stat-

ing. He was perfectly ready to admit that the agricultural interests of the country were of the highest importance, and had the strongest claim to the attention of the Legislature. He was also willing to admit, that if those interests should by any state of affairs mingle and clash with the colonial interests of the empire, the latter ought to yield and be sacrificed to the former. (*Hear, hear!*) The proposition with which he should content himself was, that our own colonies ought not to be sacrificed to the interests of aliens and neutrals. (*Hear!*) To the present Bill, as a permanent measure, many weighty objections might undoubtedly be made; as a temporary one, under the existing circumstances of the world, he conceived all the considerations of sound policy and justice concurred in supporting it. The question involved nothing less than a preference to be given either to the grower of foreign barley, or to the West-Indian proprietor, whose profits were repaid to the Government, and revisited the bosom of national wealth. (*Hear, hear! from Mr. Fuller.*) His right honourable friend had said, that by the Bill before the House we should depart from the wise principles which had governed the Legislature for a century. He must be permitted to say that this statement was not correct. Not more than eighteen years ago an Act passed for the purpose of promoting the growth of sugar by a reduction of the duties. At the present moment all West-India property was labouring under peculiar embarrassments. It had none of the encouragements, or even ordinary returns, which are always esteemed essential to the preservation of property in land. The whole profit on West-India produce was no more than a small profit on stock, affording nothing for rent. His right honourable friend had attributed all the misfortunes of the colonial proprietors to excessive speculation, and to the spirit of overtrading. There could not be, he was sorry to say, a more convincing proof of the extreme want of information on this subject, on the part of his right honourable friend, than this observation. The distress of the West-India planters arose from various causes, many of which were entirely out of their control. The numerous conquests achieved, and the immense quantities of produce brought into the market in consequence, had necessarily operated to depreciate the value of colonial property. It appeared by the Report of the Committee in 1808, that the use of barley might in many cases be superseded by other grain; and although

any change operating to this effect might be injurious to individuals, in a question of this nature the general interests were entitled to the first consideration. If the colonies were important to the Mother Country, their interests ought not to be neglected; and he challenged any gentleman to produce an instance in which they had been backward in supporting the interests of the country.

*Mr. Marryatt* contended, that the measure under discussion would not be injurious to the landed interest. If the land-proprietors were in need of encouragement, he saw no reason why such encouragement should not be given to them; but, if it was necessary to resort to any other source of supply, it was much better, he thought, to give a preference to our fellow-subjects, than to exclude them, and let in the foreign importers. Some time since the West-India proprietors had been accused of growing too little sugar, and the importation of sugar from the East Indies was encouraged. Now, however, the charge was, that they produced too much, when the amount was swelled by the produce of the conquered colonies. When these colonies should be restored, the British colonies would not produce more than sufficient for the home consumption; so that in this view the present measure could not be considered permanent. The London Distillers, he would admit, had started objections to this measure. While there was an uncertainty as to the period during which distillation from sugar might be allowed (there was no danger that distilleries would be erected suited to distillation from sugar), they made no representation against the measure; now, however, that there was a probability of such works being erected, the distillation from sugar being to be allowed while barley was high and sugar low in price, they began to fear for their monopoly, and objected to the measure.—But whilst this was their motive, they founded their objections on the additional encouragement that would be given to illicit distillation. To shew the importance of the West-India colonies, he had only to state, that they took six millions of British manufactures, contributed five millions to the public revenue of the State, paid two millions to British ship-owners, and one million to the underwriters. Gentlemen should not forget, that after the revolution in France, when the colonies were lost, and the manufactures consequently ruined, the population of that country was soon divided into two classes—those who cultivated the earth,

and those who followed the military profession; the latter of which was supported by the former. The consequence was, that the tax *foncier* was imposed, which amounted to one-twentieth of the produce of the land, and in some cases, as stated by Mr. Malthus, who was himself an eye-witness of the fact, to one-third. Gentlemen should, therefore, consider well what might be the consequence of injuring the colonial interests, and through them the manufactures of the country. Of all classes of his Majesty's subjects, the landed gentlemen had the least right to complain, because they had the means of indemnifying themselves for the effect of every augmentation of taxes, and every rise of the times. All the other classes of subjects in the State, whether in the army or navy, or fixed annuitants, had not the same advantage. Though he was not disposed to include the whole of the landed interest in the observation, he must say, that in general the landed proprietors showed a disposition to bear down all other classes whose interests appeared to clash with theirs, and showed an invincible repugnance to make any sacrifice for the relief of the West-Indian interests.

*Mr. Shaw* (of Dublin) complained, that neither in the title nor in the preamble of this Bill any mention was made of Ireland. He found, however, in the body of the Bill, a clause, which, he contended, was in direct violation of the articles of Union. This clause went to continue the prohibition of the importation of spirits from Ireland into England; a prohibition which was enacted at a time (last session) when the distillation of spirits from corn was allowed in Ireland, though prohibited in this country. Now, however, it was proposed to allow the use of corn in the distilleries in this country, till barley should reach a certain price. The occasion that called for the prohibition of the importation from Ireland no longer existed, and consequently the spirit intercourse ought to be restored between the two countries upon the principle of equivalent duties and drawbacks, as directed by the articles of Union. The right honourable gentlemen opposite were indignant at any expression of feeling upon the part of the Irish people, in favour of a repeal of the Union; but if every promise held out to them was to be violated, and every application for their interest rejected, he would ask, how they could avoid wishing for a repeal of the Union? The Irish nation had a right to complain, and he trusted that every Irish member in the House would vote for the amendment.

*Mr. Coke* opposed the measure, and gave a practical example of its evil tendency, as particularly affecting the county of Norfolk, in which even barley was not to be produced but by the arts of husbandry, and a careful amelioration of the soil. In Norfolk thirty-three shillings was certainly not a remunerating price to the growth of barley. The honourable member read several extracts from *Mr. Burke's* pamphlet of "Thoughts on Scarcity," in which he strongly disapproves of throwing any artificial obstructions in the way of men who never get a return upon their capital in less than a year, and, in many instances, not in a less period than two or three years; and declared that in the thirty-five years during which he had been a member of that House, he had never been known or seen a minister who attempted to carry any measure favourable to the general interests of agriculture.

*Mr. Ellis* urged a variety of arguments in illustration of the convertibility of different species of grain to different uses; of the impossibility of the Bill creating any competition except under circumstances unfavourable to the latter, between the foreign grower of barley and the West-India proprietor.

*Mr. Western* contended, that the great cheapness of sugar would give it a decided preference in the real consumption created by the demand of the distilleries.

*Lord Binning* acknowledged that he had had communications from counties in Scotland about their distresses; but these were not ascribed to this measure. He had indeed presented a petition from the county of Haddington, complaining of this measure. But he believed these distresses to be attributable to other causes, much more efficacious than this of which so much apprehension was vainly entertained.

*Mr. Adam* stated the question to be, whether the second reading should be postponed for six weeks; not with a view to get rid of it altogether, but for the purpose of investigation. The result might indeed be the loss of the measure; but if that should appear to be in itself proper, it was a result not to be deprecated. The right honourable gentleman who originated the measure, was wrong in the principle on which he had founded it, and his results were very far from being correct. But before he came to that point, he observed that there were certain general principles governing the subject, of which those who originated and supported

the measure did not seem to be aware. A gentleman on the other side had said, that they had called the distilleries a granary. What some individuals might have said, he did not know; but of this he was sure, that when he had before spoken upon the subject, he had considered the distilleries, not as a granary, but as a consumer. Such was the nature of agriculture, that you could not destroy a great consumer without at the same time destroying the energy of the farmer in improvement. The return upon his capital, as had been truly stated, he could not have in less than a year, and his risk was increased by the uncertainty of the seasons. This went to increase the risk still more, and prevent the good year from being a compensation for the bad. This measure fixed a maximum price for barley. It was a bounty upon sugar—a discouragement to farming and to production; and, by diminishing the quantity, was sure in the end to raise the price. This measure introduced a certain price, beyond which barley could not rise; but importation had never operated as a maximum. The expence of carriage, insurance, &c. &c. contributed to incumber importation; and though the importation price was thirty-three shillings, the barley here sometimes rose to forty-seven shillings, before the importation of foreign barley. The importation was far from being such a discouragement to agricultural production as this measure was. He then proceeded to state the mistake into which the right honourable gentleman opposite had fallen. If the right honourable gentleman drew his inferences from the calculations and evidence in the reports of 1808, barley upon the plan now proposed could have no chance with sugar. They were not placed on an equal footing. He then read part of the evidence from the reports, containing the opinions and calculations of certain eminent distillers, and shewed from these that the right honourable gentleman was mistaken in his conclusions, and that his equalization scheme was utterly erroneous, provided the evidence in question was to be depended on. In opposition to this they had nothing but the *ipse dixit* of the right honourable gentleman. This was surely a strong reason for further investigation. Observing upon what had fallen from his noble friend (Binning), he stated that complaints had been made to him (Mr. Adam) from various quarters, from Forfar, Kincardine, &c. &c. where this measure was considered as one great cause of their distress, though no doubt there were other causes.

The greatest writers on political economy had disapproved of all limitations on the growth of grain. This was a great question, in which the landlord and farmer united to preserve the interests of agriculture. Consider, he said, the situation of Europe—it was no longer a great republic where the wants of one country might be supplied by another. We might be shut out entirely from the Continent, and left to our own resources. This, then, was not a time to depress the farmer—to restrain the growth of grain. Or, if you must try experiments, you ought at least to be as certain as possible of their effects; and again, therefore, he maintained that there was the strongest ground for further investigation.

*Mr. Percival* said, in answer to what had been stated by the honourable member for Dublin, relative to the expression of years in the Bill, that no more than one year was intended, and that the suspension of the right to export from Ireland to this country distilled spirits, should only continue for four months. With respect to the objections which had been urged, from a supposed hostility in the Bill to the interests of agriculture, and particularly the agriculture of the county of Norfolk, after what had been said by an honourable friend over-against him, he was astonished that any one should again get up and predict the ruin of agriculture. For a considerable number of years past the produce of this island has been unequal to the consumption. The 450,000 quarters of barley consumed by distilleries at most in England and Scotland, bore so small a proportion to the barley grown in the country, that it would never warrant any of the gloomy predictions held out. It had been said that nothing had been done for agriculture. If agriculture needed encouragement, certainly it ought to have the preference to sugar; but the fact was, that notwithstanding the prohibition of distillation from grain for these two years past, agriculture had been so much on the increase, that for the last year 153 Inclosure Bills were passed, and for the present year, 168 Bills for England only, of which 24 were for the county of Norfolk, and 19 for Wales, which he believed had few, if any, Inclosure Bills before. With respect to what had been said of his learned friend (*Mr. Adam*), it had been found by *Mr. Benville*, since the period of the report, that by an improved method, they were enabled to draw spirit from sugar so as to afford an additional halfpenny on every gallon of wash. The present

system was only intended to be permanent, if found practicable at the end of a year. The only danger to be apprehended was to the revenue, because it might be impossible to prevent distillation from grain while duty was paying on sugar.

*Sir John Newport* deprecated all tampering with agriculture when not justified by necessity. He considered the clause objected to by the member for Dublin not warranted by the resolutions, and surreptitiously introduced; and he was astonished that the Irish Chancellor of the Exchequer, the only Irish member in the Committee, could so far desert the interests of Ireland, as to consent to the introduction. It was a violation of the 6th article of the Union.

*Mr. Tighe* said this was a violation of the only article of the Union in favour of Ireland. If members would give themselves the trouble of looking into the articles of Union, they would find that the exportation from Ireland was confined to members of Parliament and distilled spirits. The Irish Parliament was not a national but a sectarian Parliament, and its dissolution was contemplated by the people of Ireland with apathy. They sold their liberties for distillation; and perhaps it might be objected to them that they were not unjustly now suffering the curse pronounced on him who sold his birth-right for a mess of pottage.

The question was then loudly called for, and the House divided.

For the Second Reading	-	-	74
Against it	-	-	49
			<hr/>
Majority	-	-	25

## HOUSE OF COMMONS.

WEDNESDAY, APRIL 3.

### PARLIAMENTARY REFORM.

*Mr. Brand* presented a petition from the freeholders of the county of Hertford, in favour of a reform in the representation of the people in the House of Commons.—Ordered to lie on the table.

*Mr. Brand* then gave notice, that very soon after the recess, he should propose a motion on that subject.—Adjourned.

## HOUSE OF LORDS.

THURSDAY, APRIL 4.

## MR. W. WELLESLEY POLE'S LETTER.

The order of the day being read for the motion of Earl Stanhope, the noble Earl moved for the reading of the Act of the Irish Parliament of the 33d Geo. III. chap. 29. which was accordingly read by the Clerk. The noble Lord then moved, that the Circular Letter of Mr. Pole be also read, which was done accordingly.

*Earl Stanhope* then rose, for the purpose of making the motion which he had given notice of to their Lordships, respecting the remarkable letter of Mr. Pole to the Magistrates of Ireland. The common practice was to give the reasons for a motion first, and then to follow them up by the motion itself. He should in the present instance invert that order, and state his motion first, that their Lordships might be fully aware of what he intended to propose, and judge, with that knowledge, of the principles on which he supported it, without anxiety as to what he might, or might not, ultimately move. He made no pretensions to any thing else, than to be clear; and he wished to be so clear, that, though no lawyer himself, no lawyer should misunderstand or misrepresent him. The noble Earl then read his motion, which was in the shape of a resolution, the purport of which was, "that the House having given full consideration to the Circular Letter of Mr. W. W. Pole, Secretary in Ireland, and to the Act of the 33d Geo. III. chap. 29. to which the said letter referred, and to the consequences such letter might produce, deemed it necessary to declare, that the said letter required of the Magistrates of Ireland acts of severity not authorised by the Act to which it referred, and contrary to law; and that the said letter did require of the Magistrates to attack the legal rights of the people; that it was an unjust attempt to invade the liberties of the subject; and that it was contrary to that spirit of conciliation which it was the policy and the duty of Government to adopt and pursue." The noble Earl was proceeding in his speech. (The Earl of Liverpool having moved to the Woolsack, was conversing gently with the Lord Chancellor.) Earl Stanhope stopped, and said, that he was in no particular hurry, but would wait till the Noble

Secretary of State had finished his conversation. He remembered the other day, that a noble Lord (we presume Lord Erskine), in an eloquent speech upon the Banbury Peerage case, beat so hard upon the trunk on their Lordships' table, that the noise being inconvenient, the trunk was removed. (*A laugh.*) He hoped their Lordships would act upon the same principle; and, if he was interrupted much by any irregular sounds, by any trunks upon the woolsack, that they would dispose of them in the same manner. (*Laughing.*) (The Lord Chancellor good-humouredly observed, that the trunks that came to the woolsack could walk away to their places without any assistance; but he must say, that the noise of the trunk alluded to was too much for the heads of most noble Lords.) Earl Stanhope expressed his satisfaction that the trunks on the woolsack were not so noisy as the other trunk. (*A laugh.*) The present question was of great importance. Mr. Pole's letter went to prevent the just right of petitioning, on the pretence of the appointment of delegates. His late friend, that great lawyer, Mr. Dunning, whose opinion none would presume to controvert lightly, had defined a representative or delegate to be legally one who was thereby invested with rights and powers which he did not otherwise of himself possess. If a man impowered another to act for him respecting his funds in the three per cents. he gave him a delegated authority; but not so, if he merely sent a servant with a message. If persons signed a petition in Ireland, and sent others here to present it, did that constitute a representative according to the Act? Suppose some men sign a petition, and send it round to get the signatures of others, was the carrier to be called a representative? If that was so, how could three millions of subjects ever petition that House? An individual might, but numbers never could. It was the common practice to act in that manner; and he could state from his own personal experience, what was done in Kent; and that which was lawful there, was lawful in Queen's County, or Cork, or Tipperary, notwithstanding the Act of the 33d. On the petition for peace from the county of Kent last war, there was the most numerous popular meeting he ever beheld, though he had seen many, having been a candidate for Westminster, a pretty populous place, in 1774. They could not get all the names, as many were obliged to go home after the business closed: but about 200 of the principal and neighbouring persons

dined together after their triumph; and after dinner, before the bottle went round, he proposed another Committee at Maidstone, and other Committees of Managers, to get the names from the different districts. He divided them according to their localities. Here, Rochester, come you here. Then Chatham or Stroud, and so on, go you there: and afterwards they went to their respective places to get the signatures. He went himself to Rochester, and asked for twelve good and sound men for his Committee. They had one set from the King's dock-yard. That was a gallant thing; keep you by me, said his Lordship to them.— (*A laugh.*) He said in some places to six, "Go and get six others to sign, and get them to go about and get six more each." That was a glorious scheme; and if the people in general understood what they might legally do, and acted upon it in that manner, they would soon beat the Ministers, though they might beat him from the dock-yard! (*A laugh.*) Now, suppose that was done in Ireland, was it to be called choosing unlawful delegates? If so, the law ought to be altered: certainly it could not so stand. From Kent, he presented to the King a petition signed by 17,000 names, collected by the appointment of managers, as the mode was legal. He then read and commented at length on Mr. Pole's letter, and asked, why a proclamation had not been resorted to? Why point out a certain religious sect in the Circular Letter? A Mr. Hay had written a letter; did that prove all Catholics to be attempting to violate the law?—There never was a more jumbling confusion than the letter evinced about delegates and representatives. It spoke of members of an unlawful assembly. Then why not have gone to work more sharply? Instead of that, Mr. Pole gives the members of that assembly in Dublin many civil compliments, and they return him civil compliments. He don't put an end to it, and that was a confession that it was not an illegal assembly; or why had he not done his duty, and suppressed it? But it was not illegal, and so Mr. Pole prudently brought himself back to this country. Mr. Pole said, "Hold them to bail;" but the Act said, "Disperse them," in the first instance, and those only were to be held to bail who unlawfully resisted. Mr. Pole spoke of persons in any manner voting or attending as representatives, managers, or delegates, always in the disjunctive. Persons might attend and not vote, or might attend to dissuade others from voting: and yet all were to be liable.

After many acute witticisms on the letter and the Act, the noble Earl characterised the former as a letter without temper or discretion, contrary to law, and hostile to the feelings of an immense body of his Majesty's subjects. The Act could not mean this, as it was only against illegal meetings to make alterations in Church and State, and not against the whole right of petitioning, and the means by which, only, general petitions could be procured. He cared but little about what passed in the Irish Parliament. He could find no record of their debates; and if he had, he should still choose to rely on the Statute Book. But, as a matter of history, or anecdote, he might mention what was in the published debates of the Parliament. He could not vouch for their perfect correctness; but he must suppose they contained a representation of the sense of the speakers. When that Bill passed, Major Doyle suggested the propriety of quieting the apprehensions of the Quakers, who held meetings by delegation, to settle matters connected with Church and State, and who had taken some alarm at this new measure; upon which the then Irish Attorney-General declared, "that there was nothing more remote than the intention of interfering with such delegations, much less must it have been with respect to the managers of a petition. A great lawyer there said, "that if the object of the Bill was only to prevent such meetings as assumed the functions of Parliament, he should not have objected to it." He (Earl Stanhope) knew that he had the opinions of the greatest lawyers on his side: he meant out of that House; for as to those in it, he had not yet heard their opinions. Then there was another Irish member, a noble Lord now in that House, then Mr. Hobart, (Earl of Buckinghamshire.) What did he say? Why, that the bill went only to affect such assemblies as Mr. George Ponsonby had alluded to! (*Hear, hear!*) The noble Earl maintained on various grounds the illegality of the letter; and said, that though he might not equally succeed in a speech, he had no doubt that in private conversation he would make every noble Lord present a proselyte to his opinions on this subject. He had endeavoured to press the law points on their attention: and he thought it would not be creditable to the House of Lords to decide contrary to law. Some might say, that, nevertheless, it might not be necessary to decide as he proposed. He wished, however, to keep the words "deemed it necessary to declare, &c." because it made his resolution more clear,

direct, forcible, and pithy. He did not desire to trouble their Lordships' lot. He should observe, that he was himself a freeholder of Queen's-county. Suppose there had been two meetings there, one for choosing managers, and another for appointing delegates, not for overturning or altering Church and State, but for some other purposes. He should have liked to see Mr. Pole there to apprehend any of them. If Mr. Pole had acted illegally, and in a scuffle somebody had been killed, he must have been tried for murder. See the consequences. Just as in Sir Francis Burdett's question with the House of Commons: if anybody had been killed in serving the execution of the warrant, why, if Sir Francis Burdett was wrong in his law, he must answer for the consequences; but if he turned out to be right, then the Serjeant must be tried for murder! There was no getting rid of that. So it might have been with Mr. Pole, who might have been sent across the Styx through his misconduct. At all events, he thought their Lordships must consider the letter as a most uncommendable measure on the part of the Irish Government. He concluded by moving his resolution.

*The Earl of Liverpool* said, the noble Earl might think the measure illegal, but he did not believe he would satisfy the House that it was so. The noble Earl had treated the question as to the legality of the measure, and not so much as to its being one of sound discretion or not. The Act was passed under peculiar circumstances, to prevent confusion by a convention such as had been held before, professing to represent the people, or a portion of the people of Ireland for the purpose of effecting alterations in Church or State. There were disputes at the passing of the Bill; it being held that such meetings required no declaratory law, being illegal by common law. On that he should give no opinion. By their Lordships' uniform course, no petitions could be received except from individuals as such, or from corporate bodies, as had been recently shewn in the case of a petition from the Livery of London, signed by the Lord Mayor, &c. which had not a corporate capacity, such as the Lord Mayor, Aldermen, and Common Council had, and which was recognised by law. Sometimes, by inadvertency, other petitions might indeed have been received. If Acts of Parliament were ransacked, they could not find any thing clearer than the first clause of this very Act. The mere change of names from delegates to managers could

not vary the question. When they were in substance delegates, there was a clear contravention of the fair meaning of the law. He was not then discussing the legality of the Dublin Committee. When a circular letter was issued, for the appointment of managers, could any man doubt that the object was to get what would be called a complete representation of the country? That was avowed, and he thought there was no difference of opinion on it; but that however noble Lords might disapprove the mode pursued, still that such a convention to be held in Dublin was deemed improper. The difference of opinion was only as to the prudence of the Government. As to Government's not stopping the meeting at Dublin sooner, it was possible that men might go very near the wind, and evade the laws, or that they might not have any very blameable object in view; and Government surely would not be blamed hastily because they did not in such cases take strong or violent measures of suppression. They might wait to see what the object was, whether it was merely to petition, or to meet by delegations. This was therefore a matter of discretion. The Dublin Committee, composed of delegates from the parishes, was certainly not a legal meeting. Originally it was not delegated, but consisted of individuals, who framed a former petition. When it introduced delegates, it became illegal. Government exercised its prudence as to the putting the law in force, or leaving the matter to die away or rest where it was, till its patience was abused, and the attempt was made to extend a system of representation over the country after the petition had been concluded. The indulgence, patience, and forbearance of Government had been manifested, but the attempt at general representation or convention tore off the mask. It was to be observed further, that it was the intention of the Government to execute the Act with the greatest lenity and forbearance.

*Lord Holland* observed, that the question now at issue, which the noble Secretary seemed entirely to have overlooked, was not as to the discretion of the Irish Government, but as to the legality of what was required by Mr. Wellesley Pole in his circular letter. The noble Earl, with all his perspicuity, had not said one word as to whether that letter was legal or not, nor had he displayed his usual candour on the present occasion. The question was not, whether the Catholics had done what was illegal, but whether Mr. Pole had adopted measures that he was justi-

fied in adopting, and had called upon the magistrates in Ireland to do that which they were justified in doing. He (Lord Holland) objected to the circular letter on the legality of it, to which point he would confine himself. And though he differed from Ministers as to many questions on the policy to be pursued with regard to Ireland, yet he admitted with pleasure, that the Duke of Richmond, a relation of his, though he had not the honour of his intimate acquaintance, had conducted himself in his government with so much moderation and prudence, that it was with pain he objected to this act of his administration. His first objection to the letter was, that it deduced inferences from the Act of the Irish Parliament of the 33d of his Majesty, that were neither authorised by the common law, nor by that statute. That Act required all those who were sitting in an unlawful assembly, to be proceeded against in a particular manner. It required the mayors and justices of the peace to disperse them; but it did not say, that they may be committed or held to bail. It went on to say, that, if resistance was made, then the individuals so resisting might be apprehended, and if convicted, were to be deemed guilty of a high misdemeanour. But the question at issue was, whether this would enable the Justices to hold to bail persons for merely assembling in the way mentioned in the letter. By the common law, there were only three grounds on which persons could be held to bail—treason, felony, or breach of the peace. Lord Camden, in delivering his opinion on the subject of general warrants, had said, that it was not law to hold persons to bail for libel, because it was not a breach of the peace, but only tending to a breach of the peace; and that great judge had at the same time remarked, that even the profligate Ministers of James II. had not held the seven Bishops to bail on the ground of a mere misdemeanour. Here, then, by this circular, a power was given to the justices of the peace in Ireland, namely, that of holding men to bail for a misdemeanour, which the law allowed only to judges of the supreme courts, in the case of information by the Attorney-General. But his second and principal objection was, that Mr. Pole's letter did not describe the offence as it was described in the Act. The words of the Act were, "If any person shall vote or act for the purpose of appointing such delegates, &c." What did Mr. Pole say in his letter? Why, that "all persons who shall attend, or vote, or act," for such a purpose, may be

committed or held to bail. Now it was quite evident that persons might attend such meetings for a purpose directly the reverse of the ostensible object. They might come there to oppose the proceedings, to state their objections, and to dissuade them from their illegal purpose. Let their Lordships consider in what a situation the magistrates were placed by such instructions. Had any individual magistrate acted upon them, there might have been actions against him from hundreds of the people of Ireland. He had no hesitation in saying, that in his opinion the Catholic meeting was completely legal, and that the proceedings of Mr. Pole were authorised neither by common nor by statute law. Their rashness and impolicy, required to be still more severely stigmatised. On the trial of Mr. Gilbert Wakefield for a libel, his pamphlet was represented by the then Attorney-General, (now the noble Lord on the woolsack) as stirring up to a pernicious and seditious activity; and this letter of Mr. Pole's might be well described as inciting the magistrates of Ireland to a pernicious and intermeddling activity. It was like drawing up an indictment against a whole people. Even had the proceedings been legal, in point of prudence and policy it would have been wise to abstain from them, and instead of irritating the people of Ireland, to build up in their affections the true and substantial bulwarks of that division of the empire.

*The Lord Chancellor* observed, that there could be no doubt that the Convention Act operated upon all classes of people in Ireland, whether Protestants, Dissenters, or Catholics. Neither did it signify what name was given to the persons who met in such assemblies, whether managers or delegates, if in substance their object was that which the law forbade. He was ready to acknowledge that the language of Mr. Pole's letter appeared to him put together in rather a slovenly manner (*hear, hear!*) He meant no offence to that gentleman, but he did think that it might have been more correctly worded. But still he did not order any thing generally that was not contained in the Act, for he requires the magistrates to act in pursuance of it. This, then, was necessarily the meaning which appeared on the face of the letter; and was it necessary for Parliament to interpose in a case where the obvious direction to the magistrates was to act according to the statute? He could not help thinking it would be going much too far to accede to the present motion. If the object of the Catholic meet-

ing was only to petition Parliament, he knew of nothing, in either common or statute law, to prevent them, even though their petitions were got up in the manner which a noble Lord (Stanhope) had described as having been practised by him.

*Lord Grenville* thought the House greatly indebted to the noble and learned Lord for his candour and openness in meeting the question. There was one point in the letter of Mr. Pole which had not been adverted to, though it required attention; and that was the complete relaxation of all those forms, the observance of which was so important to all good government. He must repeat, that it involved the complete subversion of the Irish Government. The Secretary for Ireland could not legally issue such instructions. The only proper way was by a proclamation of the Lord-Lieutenant in council. The noble Lord then went over the objections as to the legality of the powers conferred on the magistrates, and particularly dwelt on the hardship of demanding bail, which in Ireland particularly was no slight matter. On that ground alone their Lordships were bound, if not to punish such temerity, at least to record their disapprobation of such a grievous extension of the legal penalty, as that which made the mere act of being present at a meeting equally penal as voting, and other active measures. No defence could be set up on this point. Even the mere writing of letters for the purpose of convoking such an assembly was pronounced equally criminal, and exposed to the same severities. The learned Lord had asked, whether the pressure of circumstances was such as to require the present resolution. Each of their Lordships must put this question to his own mind. But was it a light matter which placed three millions of people at the discretion of the magistrates, with regard to bail or imprisonment? It was now the fashion to talk of conciliating the people of Ireland. The most effectual way of doing so, was to afford them a practical conviction of their enjoying the same protection of law and justice with their fellow-subjects in this country. How could that be done, if official letters were circulated in that country, containing principles and instructions which could not be attempted in England? Their Lordships should take care that all those who live under the same law should enjoy the equal benefit and protection of that law.

*The Earl of Buckinghamshire* observed, that though Mr. Pole's name was affixed to the letter in question, yet, doubtless, he had the best legal advice and assistance, namely, that of the Irish law officers of the Crown in penning it: it, therefore, was a little hard to throw the whole blame upon that gentleman.

*Lord Grenville* contended, in explanation, that the only parliamentary way of considering the letter, was to regard it as the letter of the person whose name it bore. That was the true definition of parliamentary responsibility; and if departed from, the responsibility of public officers was at an end. There was no hardship, therefore, in ascribing this letter to the gentleman whose name was affixed to it.

*Lord Holland* conceived, that the explanation of his noble friend was of a most constitutional nature.

*The Lord Chancellor* again rose, and protested, that when he used the word "slovenly," he did not mean it in an offensive sense. What he meant by it was this, that if those who drew up the letter in question had only read it over again, and altered a word here and there in it, their Lordships would have been saved the trouble of the debate that night; which he could not help thinking was partly owing to some of their Lordships expecting that lawyers ought always to have more accuracy than other men.

*Lord Stanhope* spoke in reply. He thanked the noble and learned Lord for the candour he had displayed that night, and therefore should not give him that trimming which he would have done, had the learned Lord acted otherwise. He was extremely glad that he had brought the subject before the House, on account of the able speeches which it had drawn forth from his noble friend near him; and he should now leave the question for every Lord to vote upon it as he thought proper.

A division then took place, when there appeared,—

Against the motion, 21—For it, 6—Majority 15.

Adjourned.

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## HOUSE OF COMMONS.

THURSDAY APRIL 4.

PAY OF OFFICERS IN THE ARMY.

*General Gascoyne* rose to make the motion of which he had given notice. He regretted the business had not fallen

into abler hands, and much more, that his Majesty's Ministers had not taken it up. Before he proceeded further, he wished to prevent any mistake which might arise from the wording of the notice. It had been imagined by some, that he wished to increase the pay, but he really had no such presumption belonging to him. He would always have that to emanate from the Crown. His Majesty's well-known predilection for the Army rendered any such attempt from him unnecessary. The illustrious Personage, also, who now held the reins of government, who was bred from his infancy in the army, very well knew the wants of the officers; and no one, he was sure, would be more ready to relieve them as far as was in his power. Having stated what he did not mean, it was necessary he should inform the House what he did mean. He then proceeded to shew that the first regulation of the military establishment in this country, according to Sir W. D'Avenant and Adam Smith, took place in 1614. An ensign had then allowed him, as pay, six days' labour or six days' pay of a common soldier, which was 3s. a day; a Lieutenant eight days, or 4s.; a Captain's pay was sixteen days, or 8s.; and the Major and Lieutenant-Colonel in a similar ratio. In 1695, a Lieutenant-Colonel's real pay was 17s. a day; at present his pay is 17s.; but being liable to the income-tax, makes it only 15s.; a Major's pay was at that time 15s.; now the same, but the income-tax makes it only 14s. 6d. In fact, the pay had, during all that length of time, continued the same, though all the necessaries of life had increased to double what they were at the period mentioned. He then shewed, that each Captain paid his own company according to the establishment, and not according to the effectives: that the non-effective fund was inquired into, in the year 1746, and the precise words he had used for this Committee, for which he meant to move, were the words used on that occasion. No proceedings, however, took place on this inquiry till 1766, when certain precautions were taken to prevent false musters; and it appeared from the examination of witnesses, that the stock-purse of the Captains which had till then prevailed was abolished, and a compensation made in lieu of it. By Mr. Burke's Bill, the Captains were allowed, in lieu of the stock-purse, 20l. each. The object of his motion was this: that whatever the advantage was which they derived from the stock-purse, they ought to have been accordingly compensated. This was the chief cause why

he should call on the House for a Committee to inquire into this. A few years ago a Bill passed into a law for abolishing the fees of Custom-house officers, and allowing them a fair compensation in lieu of the same; and where a fair and proper compensation was not made by the Commissioners, the Lords of the Treasury were empowered, on proof thereof, to order an additional sum. He wished the officers of the Army had some such friends as the Lords of the Treasury to stand by them, and see their compensation was just and fair; for if the Custom-house officers were thought deserving of such a clause in their favour, surely the officers of the Army ought to have the same benefit. He should be told, perhaps, that the pay had been increased in 1806: yes, if paying with one hand, and taking away with the other, might be called increase, it was so. The increase was 1s. and a halfpenny: the shilling was taken from them by the income-tax, and the halfpenny remained as increase of pay. Officers in the Army received less now than they did 150 years ago. Perquisites were then allowed to captains in particular; and if these perquisites had since been abolished, captains had as much right to a fair compensation as any other class of his Majesty's servants. He begged to observe, that the period in which they were taken away was a period of economy, which did not always act on the strict principles of justice. He wished to restore to captains what they once enjoyed or an equivalent in the way of compensation. He felt in common with the profession, the late allowance made by the Prince Regent, in placing officers of the Army on a footing with those of the Navy, with regard to wine, free of duty. He only lamented it was not carried a little further, and extended to a certain time after they left the country. The whole expense of the allowance would not amount to more than 50,000*l.* It might perhaps be said, that was a large sum; but the House had not long ago voted 100,000*l.* in favour and in aid of the Clergy; and he saw no claim which the clergy had on the House more strong than that of the officers of the army, or that they were not equally entitled to. The rank of captains ought particularly to be protected. Frederick the Great of Prussia always said, that captains were the sinews of the Army; and it is a fact, that they are better paid in every country than they are in this. All the increase he should ask would be 5*s.* a day to the captains, instead of 3*s.* He asked no more than justice; he con-

ceived it to be more a right than a boon, though he was ready to receive it as the latter. Increase of pay had taken place in several of the civil departments, and he thought the military were equally entitled to the consideration and liberality of the House and of the country. If he were asked how it happened that there was no remonstrance on the part of the Army; he would answer, that if there had been any such remonstrance, he should have opposed it. Armies ought not to deliberate; but if they abstained from deliberation, it was the more incumbent on Parliament to take care that they were treated with justice and with generosity. The payment of the non-commissioned officers was ample, when their station was considered. When the pay of the soldiers had been raised fifty per cent. some sort of proportion ought to be kept in the increase of officers' pay. He did not mean to say that it should be exactly in that proportion, for the circumstances of the country at present would hardly permit it. He would ask, however, what possible danger there could arise from going into a Committee? It was in a Committee that this subject could be most fully and fairly investigated. He concluded by moving "that a Committee be appointed to inquire into the state of the British land forces as to their pay and allowances."

*Mr. Taylor* supported the motion. Although he thought it probable that the British officers were at least as well provided for as the officers in foreign armies, yet it was a matter of astonishment to foreign officers, that a country abounding in wealth as this country does, should not make a still better provision. As to Prussia, it had formerly an army of near 300,000 men to maintain on two millions of money, and therefore it was impossible that the officers could have liberal pay. As to the situation of Captain in the Prussian army, that was what every officer might rise by seniority; but after that rank, promotion went in another manner. The rank of captain in the Prussian army was higher than it was in the British army.

*Lord Palmerston* began by saying, that he wished to free himself from the imputation of not feeling as strongly as the honourable General (General Gascoyne), or any other man, for the situation of British officers. No officers had deserved better of their country; and when so many recent proofs had been given of their heroic valour, it must be evident that this was not the moment to withhold a

thing from them through motives of niggardly parsimony. It was necessary for him to say this, because he felt that he stood in a situation somewhat ungracious; in being compelled by his duty to resist that which was now proposed as an addition to the comforts of our brave officers. He was convinced, however, that there was so much good sense among them, that they would give him credit for the motives which governed his conduct. At the same time, he gave the honourable General full credit for having brought forward this motion merely from a sense of his parliamentary duty, and by no means intended to insinuate that it was with any view of getting popularity in the Army, by being considered as the friend and advocate of the officers. He must regret, however, that he had brought this motion forward, as it not only placed Ministers in the unpleasant situation of being obliged to resist what was asked for them, but might tend to produce disagreeable feelings in the minds of many officers. He did not think it necessary to follow the gallant General in all his details; but he must say, that his conclusions were totally different. The pay of Captains had certainly been increased during the period that the gallant General spoke of, from 9s. 5d. per day to 10s. 6d. and if the Captain got the rank of Brevet-Major, then his pay was 12s. 6d. He could not by any means allow, that the income-tax should be considered as any reduction of pay. It was a sacrifice which the officers of the Army were called upon to make in common with the rest of their countrymen. The pay of the common soldier was no criterion for what ought to be the pay of the officer. The soldier's pay was given him to provide necessaries for his subsistence; and therefore as the price of necessaries increased, the pay must necessarily increase. The pay of the officer was not for necessaries merely. The reward for his services was not merely his pay; but it also lay in honour, and a certain rank in society. The pay was however such as the means of the country would afford to give. Whatever it was, it was fixed and well known. Every officer on entering the service knew what he had to receive, and made his arrangements accordingly. It was not merely for pay that they entered the Army, many of them had far nobler objects in view; and the mere adding eighteen-pence a day to one rank in the Army, could not do any material service to the whole. Besides the increase of pay, there had been of late an increase of other allowances proportioned to the

expenses they had to meet. Among these allowances were lodging-money, bat and forage-money, travelling-money, and the allowances lately made to the regimental messes. As to the situation of officers embarking for foreign service, it had been recently brought before the consideration of the Treasury, who referred it to the Commander-in-Chief and a board of General Officers, to determine what should be the compensation. The subalterns had now, on such occasions, an allowance of six-pence a day, for two hundred days, as forage, and 3*l.* 15*s.* as baggage-money. He could not think it wise to refer such matters to Committees appointed by Parliament. Although the gallant General seemed to have in his contemplation only the situation of Captains; yet every other class, both of the Army and Navy, would be led to expect such an increase of pay, as the country could not in its present circumstances afford. For these reasons, he felt it his duty to negative the motion.

*Mr. Hutchinson* spoke in support of the motion.

*Sir James Pulleney* thought that it was a very proper subject for the consideration of Ministers, whether some farther addition might not be made to the comforts of our brave officers. At the same time, he thought that this consideration belonged more peculiarly to Ministers; and that this was one of the prerogatives of the Crown, which the House ought not now to interfere with. He could not, therefore, vote for the Committee proposed by the gallant General.

*General Tarleton* said, that, regardless of any unpopularity or obloquy, he should strictly discharge what he conceived to be his duty. In a debate on a similar proposition at the conclusion of the last war, he had said that it was not in a time of war that such discussions should take place; but that upon the return of peace whatever was amiss with respect to the pay and allowances of the Army ought to be regulated. When the immense establishment at which our Army and Navy now stood was considered, it was very doubtful whether the country could afford to give such increase as might be thought proper. He considered that it was not in the rank of Captain only, but in every rank, from Field-Marshal to Ensign, the pay was inadequate. He doubted whether it was at present within the means of the country to give what might be called adequate pay: he must set his face against the present motion. When the great contest in which the country is now engaged should be brought

to its termination, then he thought that the amount of the pay should be taken into the most serious consideration. He believed that there was not on the face of the earth any officers at all comparable to the British officers. He could not avoid pointing out to the attention of the House the great number of our Army, including the Militia. He thought that the system must be permanent of looking to the Local Militia for the supply of the Regular Militia, and looking to the Regular Militia to recruit the Line. He thought that every Militia Colonel in the House ought to be proud of having sent men from his regiment to such battles as those of Talavera and Barrosa. (*Hear, hear, from both sides of the House.*) For the reasons he had given, he must vote against the motion.

Sir T. Turton said, when votes of thanks were to be passed to an Army for a brilliant victory, then the benches of the House groaned beneath the weight of the members who pressed to attend on such occasions; but when the question was for giving money to increase their comforts, there was barely such an attendance as to constitute a House. As to the pressure of the Income Tax, he would say that officers as well as others should be called on for sacrifices which they could afford to make, but not for sacrifices so great as to be left unable to support their proper rank. The noble Lord (Lord Palmerston) had said that the pay of officers was, to be sure, small, but that rank and honour made up the difference. Certainly there were no officers more rich in honour than the British officers: but how would honour supply their wants, or enable them to maintain their rank? He could take upon himself to state, that there were still great abuses in the Army; that still the returns were defective; and we had men upon paper that were not to be produced (Lord Palmerston expressed dissent). He must insist upon it, that this was the case, and he could prove it in different regiments. Thinking that the present pay and allowances were inadequate, he should support the motion.

Mr. H. Thornton thought that the usual criterion of the supply and the demand ought to be applied to the Army. The distress could not be severe, while so many respectable young men were daily entering the Army. It would be injurious to the principle of the Army to make it a lucrative profession. Honour was to be part of the stimulus. The Military had many compensations in the high character

of their profession, and the respect with which it met in society.

*Mr. Wilberforce* was convinced, that the Army knew it to be the general wish of the House to offer them the highest recompence it could offer; but that was not to be money. No sum could be a recompence for the bravery and good conduct of the British Army: but there were many extrinsic considerations connected with the proposed measure, which made it difficult to be resolved on. In the Prussian service the principle of gradation had been allowed to go on to a certain rank, and then came the principle of selection. In our service it was directly the reverse. If this were remedied, a great grievance to the Army and Navy would be done away, and persons would not be left midshipmen for five and twenty years, as had happened within his (*Mr. Wilberforce's*) knowledge. This would be a great boon from Government.

*General Gascoyne*, from the temper of the House, and the circumstances which had been stated, was not anxious to press his motion at that particular time. The question was, however, put, and negatived without a division.

#### WEST-INDIAN FREE LABOUR.

*Mr. Barham* said, he meant to propose a plan for more effectually abolishing slavery in the colonies. The plan was practical, and likely to be singularly important. Some apprehensions had been excited, as to the nature of its operation on the West-Indian interests: but the plan had so far been misunderstood. It did not interfere with the system as it now stood; it did not interfere with the Colonial Legislatures, nor with the authority of masters over their slaves, nor did it offer to the slaves any communication of those rights which they were not yet fitted to receive: its object was to give the slaves the slow education of the example of many thousand industrious and decent men living among them by voluntary labour. The population of the slaves was decreasing. By a return which he held in his hand, the decrease in 1809, in a single district in Jamaica, was ten thousand, or two and a half per cent. upon the whole stock. Here *Mr. Barham* went into a view of the measure which had been suggested, and the information which had been received relative to his plan. The great feature of it was, to transport the superfluous population of the British Empire in Hindostan to the West Indies. The idea had

been approved by many intelligent men. It had been submitted to the late Mr. Windham, who advised that it should be put into a practical form, and it had been received with sufficient consideration by the late Government. An experiment of the same nature had failed at Trinidad, but it was from total mismanagement. In the present instance, we might find in Batavia, if we got the Island, three hundred thousand Chinese who were skilled in cultivating the sugarcane. Their transportation was to be voluntary, and no one was to be permitted to come who was to leave a family behind. Great advantages of diligence, decency, and security, would be gained to the islands by this measure. Mr. Barham concluded by moving, that "a Committee should be appointed to consider of the expediency and practicability of supplying the West-India Colonies with labourers from the East, and report their opinion thereon to the House."

*Mr. Brown* would not object to the Committee, because he was anxious for any thing that might lead to abolish slavery; but it was important that there should be nothing done, which touched or injured the extensive interests of West-India property. The present project appeared to him difficult in the execution, and most uncertain in the event. It would of course be a high consideration with the Committee to respect the rights which they found already established in the colonies, and to pause upon the dangers of the doubtful plan which was now offered to the House.

*Mr. Wilberforce* complimented Mr. Barham on his philanthropy, and had no objection to the Committee.

*Mr. Stephen* did not conceive that any favourable result could arrive from going into the Committee. The experiment had been tried in the Island of Trinidad, and failed. If the single men who were employed in that instance could not support themselves by their labour, still less could they now support their families which were to accompany them.

*Mr. C. Hutchinson* should support the motion, though he felt some difficulties upon the subject.

*Mr. Hibbert* should vote for the motion, because if the plan should succeed, it would be productive of much benefit to the West Indies.

The motion was then agreed to, and the Committee appointed.

## EAST-INDIA COMPANY'S CHARTER.

*The Chancellor of the Exchequer*, pursuant to his notice on a former day, rose to move that that House do give notice to the Directors of the East-India Company, that their Charter will expire in the year 1814. This notice, he had to observe, was directed to be given by a clause in the Act of the 33d of the King, by which the Company's Charter had been renewed. It was enacted by that clause, that whenever, after the first of March, 1811, notice should be given that the sums due from the public to the Company should be paid off, the Charter should expire in three years after such notice, provided such sums were then paid off. This Act referred to another Act of the same session, which contained an arrangement respecting the sums advanced from their capital stock to the public. The sum due at that period was 4,200,000*l.* but by payments which had been made in the course of the session of 1793, this sum had been reduced to 1,207,559*l.* of which latter sum it was then his intention to move that the House do give notice of payment within the time limited by the Act. The time for which he proposed to fix the payment of this sum was the 10th of April, 1814. The right honourable gentleman concluded by moving, "that notice be given to the Court of Directors of the East-India Company, that on the 10th of April, 1814, the said sum of 1,207,559*l.* with all arrears, &c. thereon, being the remainder of the capital stock of the Company due from the public, shall be redeemed and paid off agreeably to the power of redemption contained in the last of the said Acts."

On the question being put,

*Mr. Creevey* observed, that a similar notice had been moved by *Mr. Pitt*, and that no contract for a renewal of the Company's Charter had been entered into till 1793. He trusted, therefore, that a similar delay would be allowed in this instance before any steps should be taken for a renewal of the Charter.

*Mr. Dundas* should be no party to any such understanding. The Court of Directors might bring forward an application for a renewal of their Charter, whenever they should see occasion.

The motion was then agreed to, and the Speaker ordered to give the notice in writing to the Directors of the East-India Company on the 10th instant.

#### DISTILLERY BILL.

The House resolved itself into a Committee on the Distillery Bill; after a few words from Mr. Hutchinson, the Chancellor of the Exchequer, and Mr. W. Smith, the blanks were filled up *pro forma*; after which the House resumed, and the report was brought up: the Bill as amended was ordered to be printed, and the report to be taken into further consideration on Monday.—Adjourned.

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### HOUSE OF LORDS.

FRIDAY, APRIL 5.

#### REVERSION BILL.

*Earl Grosvenor* rose for the purpose of moving the second reading of the Bill prohibiting the granting of Offices in Reversion. He could not avoid availing himself of the present opportunity to say, that he thought the country was very greatly indebted to the Committee of Finance of the other House for their patriotic labours on this subject, which were calculated materially to promote the benefit of the nation at large, and which would have been still more beneficial had they not been thwarted in their endeavours from some other quarter. At the present moment he had no reason to expect that this Bill would be received with great favour by their Lordships; but he trusted he had, at all events, redeemed the pledge which he had given in the last session of Parliament, of again bringing before the House the subject of Places granted in Reversion. He trusted, notwithstanding, that at a future period he should be able to bring it to a full discussion, and that, too, under more favourable auspices. He was certainly at a loss to conceive what were the objections which the noble Lord on the Woolsack would offer to the object of this Bill; more particularly considering the part that noble Lord took last year in favour of a Bill for the suspension of the exercise of the very same prerogative. He was well aware, at the same time, of

the ingenuity of that noble Lord, which would seldom leave him in total want of some arguments to support his opinions. With respect to the Bill itself, he conceived, that upon every principle of liberal, ingenuous, and constitutional policy, it well deserved the unanimous support of the House. The noble Earl concluded by moving the second reading.

The Lord Chancellor was not aware of what sort of information, or upon what principle, the noble Earl had thought it proper to anticipate his opposition to the present Bill, since he never had stated that the question upon the grants of places in reversion was not a question which deserved, whenever brought forward regularly, the serious attention of Parliament; but yet he must say, that this question was connected intimately with several others of importance, in as far as they related to a very important branch of the policy of the state. Those other matters, in fact, could not be properly considered separately, and apart: but he wished particularly to put it to their Lordships, whether this was the proper time for their Lordships to enter into a discussion on this subject, which so much concerned the ancient prerogatives of the Crown, as they had been exercised for three, or four, or five centuries past. Could any noble lord suppose that his Majesty who at present wore the Crown of this realm, or he who would succeed his Majesty, would hesitate even for one moment to give up such a power as that which this Bill sought to abrogate, if it appeared to be useful to the country to do so? There was still less reason for proceeding in such a Bill, when it was known to all their Lordships, that, in point of fact, the grant of places in reversion was prohibited for one year by the very Act which established the government of the Prince Regent. He thought, therefore, that there could appear no sufficient reason for going on any farther in the present Bill.

The question was putting, when *Earl Grosvenor* rose and said, that, under all circumstances, he should not trouble the House further at present, the power of granting in reversion being at present suspended: but he must repeat, that he trusted, on another occasion, that he should be able to bring the matter into a full discussion.

The second reading was then negatived, *nem. diss.*

The *Earl of Liverpool* then moved, that the Bill be rejected; upon which the Marquis of Lansdowne and Earl Grey made some remarks; the latter noble Lord thought that the rejection of the Bill would be improper. He agreed

in the postponement of it under the present circumstances; but he avowed himself a determined friend to the principles on which it was founded. He thought, therefore, that at least, the becoming way of proceeding would be to move that the farther consideration of it be postponed six months.

*The Earl of Liverpool* had no particular objection to adopting the suggestion of the noble Earl; and therefore moved the said postponement for six months, which was agreed to, *nem diss.*

#### MILITIA ENLISTMENT BILL.

*The Earl of Liverpool* moved the second reading of the Militia Enlistment Bill. He would not then trouble the House on the subject; but on Monday next, when it would come more fully under their consideration, he should submit to their Lordships some observations upon it.

#### DISTILLATION.

*The Earl of Hardwicke* said, that he did not know whether the motions he was about to make would meet with any opposition; but if they did, he should think that there could not be too much fair discussion on the subject, because it was of the highest importance to the agriculture of the country. He then moved for various papers on the subject, such as the average prices of wheat and barley for a certain time, the quantity of corn spirits imported into this country from Ireland from 1801 to 1809, inclusively, &c. which were agreed to, *nem diss.*—Adjourned.

### HOUSE OF COMMONS.

FRIDAY, APRIL 5.

#### PRINTERS REGULATION BILL.

This Bill having gone into a Committee,

*The Attorney-General* objected to the clause which confined the punishment to a single penalty: this would make the whole act nugatory.

*Mr. H. Martin* had thought himself fully warranted in proposing that there should be only one penalty for each impression. He requested the House to observe, that all the penalties to which Printers had been liable before the 39th of the King would still be in force after this Bill passed into

a law. There would be no additional security for libels. The object of it was to place the law on its former footing, or nearly so. To shew the propriety of this, he called the attention of the House to the history of the Act of the 39th of the King, the most material part of which it was the design of this Bill to repeal. It had originated from the opinion, that extraordinary vigilance and vigour were necessary to counteract the machinations of seditious societies, who circulated a vast number of papers, the printers of which could never, without great difficulty, be discovered. It was therefore required that as an additional security every printer should be made liable to heavy penalties, who should neglect to put his name to whatever he printed. But, if a libel was published, the Printer was still subject to prosecution for that offence as before. These societies no longer existed, and the Act, being calculated only to meet a particular exigency, ought now to be considerably modified, if not repealed. See how the law stood, while such enormous penalties might be incurred even by inadvertence. The Attorney-General himself, he believed, about two years ago, had found it necessary to bring in a Bill to indemnify persons who had violated it. Was it fitting that the Act should still be continued on the statute books in its present shape? that it should still be hung up *in terrorem*? and that Bills of Indemnity should be passed at the end of every two or three years, to afford some mitigation of the hardships resulting from it? If he could secure his honourable and learned friend's support, by consenting to enlarge the penalty, he should be disposed to yield so far. But how was it possible to permit the law to stand as it was? to leave the Printer liable to a penalty for every copy of a pamphlet, handbill, or any other publication, merely for neglecting to put his name to them? The business was under sufficient regulation without this. He had been answerable for his publications before the time of the seditious societies, whose practices had been the only ground upon which the additional regulations had been established. It was impossible for a printer to carry on his business without being well known. They were registered with the Clerk of the Peace, and subject to other rules, which rendered it impracticable to conceal themselves. Would the Attorney General point out any instance in which a prosecution had failed from a difficulty of finding out the printer? It was not pretended at the time the 39th of the King was under consideration, that

there was any difficulty of the kind. It rested entirely on the proceedings of the seditious societies; and as they no longer existed, why should the business of printing remain subject to this severe hardship? Let the penalty be raised to 100*l.* if the Attorney General wished it; but surely it could not be permitted that a magistrate should have the power of imposing penalties to the extent, perhaps, of 20,000*l.* in a summary manner. No class of the community ought to be so much in the power of the magistrate. His wish was not to innovate, but to restore the law to what it was before, with the exception of this small penalty of 10*l.* for a whole impression, if published without the printer's name.

Mr. Giddy thought that it would be better to have a single penalty, with power to the magistrates and the Court of Quarter Sessions to mitigate it as they thought proper.

The Chancellor of the Exchequer said, that it was by reason of the difficulty of finding out the publisher, that the law had imposed those penalties on the printer, and it was thought that the terror of punishment would have made the printers conform to the provisions of the law. With respect to the particular clause, he was convinced that one single penalty would be utterly insufficient to produce the effect which was desired. He thought, therefore, that it would be the best way to negative that clause for the purpose of introducing another, which would give power to the magistrate, and to the Quarter Sessions, to mitigate those penalties as they should judge proper. This would, as he thought, be leaving the law in the situation which was most desirable. Whenever a mischievous intention was evident in the printer, the penalties might still attach.

Lord Folkestone felt the greatest objection to trusting such an enormous power to the magistrate, as to leave it altogether to their discretion, whether penalties to the amount of 20,000*l.* should or should not be mitigated to less than 20*l.* He wished the honourable gentleman could have gone a little farther, and, instead of altering the Act of the 39th of the King, had moved for repealing it altogether. The fact was, that this Act was one of those which were framed in the spirit of the Bills for the suppression of treasonable meetings, commonly known by the name of *Gagging Bills*. Now if one of those Bills ought to be temporary and the other permanent, it was this Act of the 39th which ought to have been made a temporary Act, instead of the other; for it was expressly stated to have been

APRIL 5.] PRINTERS REGULATION BILL.

brought in merely from the temporary circumstance of societies then existing, that distributed seditious writings gratis. This Bill, such as it was, might certainly do something for the benefit of the Printers; but it would place most enormous and dangerous power in the hands of the magistrate.

*The Attorney-General* contended, that it would be sufficient to protect the Printers from the consequences of inadvertency, if the magistrates had power to mitigate penalties.

*Sir Samuel Romilly* conceived that there was no possible case in which it could be advisable or proper that penalties should be levied on every copy of a paper that was printed without the printer's name. To take the strongest case. Suppose the name of the printer was intentionally omitted for the purpose of circulating a libel, the printer was culpable and deserved punishment; but would any one say he deserved to be fined twenty or thirty thousand pounds? It was well known that the Court of King's Bench never inflicted such fines at present in any case of libel. The House of Rights particularly declared such excessive fines to be highly illegal. It should not then be left to magistrates even supposing the publication was a libel, to pronounce whether the printer should pay 20*l.* or 20,000*l.* for not having his name prefixed to the publication. An honourable gentleman had said, that the Act was so plain, that every body who could read ought to understand its provisions. Now it happened, that not only persons who could not read well, but good lawyers had not been aware that they were in the daily habit of violating this law. The Masters of Chancery had been in the habit of issuing printed warrants from their offices, without suspecting that they had incurred penalties to the amount of twenty or thirty thousand pounds. Persons who offended the law through inadvertence were much more easily detected, than those who did it for the purpose of concealing themselves. He agreed with the noble Lord (Lord Folkestone), that this act ought to have been only a temporary one.

*Mr. Lockhart* said, that he could never consent to the consideration of the case of libel entirely to the magistrates. He was an enemy to the licentiousness of the press; but still he did not think the punishment of libel should be left to the magistrates. Their refusing to

gate those enormous penalties would amount to the same thing as inflicting them.

*Mr. Martin* observed, that as half of the penalties belonged to the informer on conviction, it would be impossible for the magistrate to remit this part of the penalty. The part of the penalties which the common informer might sue for, would often be sufficient to produce the perpetual imprisonment of the defendant, whereas the Court of King's Bench hardly ever inflicted more than two years imprisonment. It must always be borne in mind, that the Act of the 39th of the King was not passed with a view of regulating the trade, but merely with a view of counteracting the proceedings of certain societies, which are not now in existence. He would rather a single penalty should be as high as 500*l.* (with power of being mitigated), than have penalties for every copy which should be printed.

*The Attorney-General* then said, he would go so far to meet his views as to consent that there should never be more than twenty-five penalties for one publication, subject to be mitigated from 20*l.* to 5*l.* at the discretion of the magistrates. In such case the highest penalties which could attach to any case of violating this law would not exceed the sum he had last mentioned of 500*l.*

After some farther conversation, the clause was amended to that effect.

Another clause was agreed to, allowing the Quarter Sessions either to confirm or dismiss the appeal with costs.

After some farther amendments, the report was ordered to be brought up on Monday.

#### FOREIGN MINISTERS SALARY BILL.

On the question for the third reading of this Bill,

*Lord F. Osborne* rose to oppose it. He did not perceive the claims the persons principally interested in this Bill had to have such a Bill passed in their favour. He could not agree to such a Bill, when he recollected that it was only twenty-four hours since the House had refused to go into a Committee to consider about improving the situation of our brave officers, who had a much better claim upon their country than he conceived those persons to have. He concluded by moving that the Bill be read a third time this day six months.

*Mr. Morris* wished that the noble Lord had condescended to state some farther reasons for his opposition to the Bill. This Bill did not proceed from any claims made by individuals, but from its being supposed proper, that that power which the Crown had formerly should be restored to it. There had been a resolution in consequence of the report of a Committee, that pensions and allowances to Foreign Ministers had increased in their amount, and that they ought to be checked. In consequence of this, there had been an Act, which, putting all manner of services on the same footing, declared, that no pension should be given unless after ten years' service. It would, however, be a very great hardship on individuals taken from other professions and pursuits, if, upon being removed from the situation of Foreign Ministers, by circumstances over which they had no manner of control, they were to have no sort of remuneration for past services, unless they had served the whole term of ten years. He thought that it would be a much juster principle, that they should have a compensation proportioned to the nature and extent of their services.

*Mr. Bankes* thought that, after the Act of last Session, it would be singular if they should now infringe its principle. By *Mr. Burke's* Bill, which took effect in 1782, the power of granting pensions was limited. Pensions were allowances either for services not performing at the time of the grant, or merely gratuitous donations. The grants now called for came under the first description of pensions. The spirit of the House in 1783, as to those grants, might be collected from the circumstance, that when the King had granted to Lord Thurlow the reversion of Teller of the Exchequer, and a clause was introduced into the Bill, excepting that grant from the limitations on the other reversionary offices, the Minister was opposed, though he found a lawyer of eminence (the late Lord Kenyon) to quote law on his side; and on a division, there were 57 against the exception, to 49 for it. What was then the idea of the House with respect to the general and binding nature of the Act which had been passed, and what would the passers of the Act of 1782 think of the motion of to-night? They would of necessity consider it a total overthrow of their principle. If the Act, too, of the last Session was to be violated in this instance, there were many persons who had a better claim than those in question, and their claim must

be put in. Those were, the excise-officers in England and Scotland, who had formerly been entitled—the English to have three-fourths of their salaries after ten years' service, and the Scotch the whole. Those allowances were reduced considerably by the Act of last Session; and yet we now were going to sanction claims less strong than theirs, and violate our own Act. By taking the power of granting diplomatic pensions from the discretion of the Executive, and giving it into the hands of Parliament, great disgust would arise in practice; every man would come with a high estimate of his own merits, and no man would be satisfied by the decision.

*The Chancellor of the Exchequer* apprehended, that when Parliament had imposed the restriction, no person could fairly consider himself injured; at least, in the present case, there appeared no grounds for the idea. The Acts of the 49th and 50th of the King, to which allusion had been made, would not be infringed by the present Bill; but it appeared to be a case which was probably not sufficiently contemplated at the time, and which might now be looked on as a just exception.

The House then divided,—

For the third reading	50
Against it	23
<hr/>	
Majority	27

The Bill was then read, and ordered to be engrossed.

On the order of the day for the Committee of Supply, *Lord Folkestone* rose to ask if any thing had been done in the prosecution of *De Yonge*, who had been found guilty on a charge of selling coin? He (*Lord Folkestone*) wished to know something on the subject, both on account of the hardships sustained by the man, and the importance of the doctrine laid down by the Chief Justice. An objection had been taken by Counsel, and the case set down for argument in the Exchequer Chamber. If nothing was done on the subject in the course of the term, he (*Lord Folkestone*) wished it to be understood that he would propose some measure on it to the House. He wished he could now be permitted to go into some of the details which struck him in this singular case. *De Yonge* had suffered much hardship; he had been singled out to be prosecuted for an offence, if it was an offence, which was practised by the

first merchants and bankers of London for the last ten years, and to which the inducements were daily increased. He had been indicted under an old Act of Edward VI. and it was not yet ascertained whether that Act was law. He (Lord Folkestone) would wish to go into the argument now; but if he was not allowed, gave notice that he would submit a motion on it, and probably also move for the repeal of the Act of Edward VI.

*The Attorney-General* would not enter into the irregular question which had been thus brought before the House, but would merely say, that there was no delay with him. When the question was put before, the Courts were not sitting, and the argument could not possibly take place since. He was not at all aware that the prosecution was given up, and believed that it would come on for argument in the course of the term. While he was on his legs, he would merely mention to the noble Lord, that the prosecution of Collyer, which had been supposed to have dropped, was since brought to a verdict. Nay, on the day after the assertion had been made in the House, he (the Attorney-General) had the satisfaction of hearing that Collyer had been tried, and found guilty. He meant satisfaction, as a proof of not failing in the vigilance of his professional duty. (*Hear! and a laugh.*)

*Lord Folkestone.*—"As the honourable gentleman (the Attorney-General) has gone into another subject, and introduced irrelevant matter, I have a right to remark upon it."

*The Chancellor of the Exchequer* rose to order.

*The Speaker* was of opinion, that no second speech could be made by way of reply.

*Lord Folkestone* thought any Member had a right to speak on any grievance on the question for going into a Committee of Supply.

After a farther declaration from the Speaker of the impropriety of continuing the conversation, it was dropped.

#### COMMITTEE OF SUPPLY.

The Estimates of the Storekeeper General were ordered to be referred to the Committee of Supply.

The House then resolved itself into the Committee.

*Mr. Wharton* moved, that there should be granted, \$100/. for the Civil Establishment of the Bahama Islands, in addition to the salaries.

1030/. for the civil charges of the Bermudas

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To a question from Mr. Whitbread, Mr. Stephen replied, that the Judges in the greater part of the old Colonies were not professional men, but gentlemen of the country, and serving without salaries.

600*l.* for the Civil Establishment in Dominica.

10,450*l.* for the Civil Establishment of the Province of Upper Canada.

12,965*l.* for the Civil Establishment of the Province of Nova Scotia.

5,600*l.* for that of the Province of New Brunswick.

2,060*l.* for that of the Island of Cape Breton.

3,108*l.* for that of Prince Edward's Island.

2,901*l.* for that of Newfoundland.

80,000*l.* for the probable amount of Bills expected to be drawn from New South Wales in the year 1811.

To a question from Mr. Whitbread as to the ground upon which it was expected that Bills to that amount would be drawn, and for what? Mr. Wharton replied, for supplies of provisions and other necessities imported from China.

And a sum of 49,400*l.* to defray the expences of the Storekeeper-General's department.

The House then resumed, and the report was ordered to be received on Monday next.

Ordered, on the motion of Mr. Tierney, that there be laid before the House several accounts relative to the Permanent and War Taxes, and to the Assessed and Property Taxes.

#### INDIA.

*Lord Folkestone*, in the absence of an honourable friend (Mr. Creevey), asked the right honourable the President of the Board of Controul, when certain papers relative to the civil affairs at Madras, moved for last Session, and the order for which was renewed in the present Session, would be likely to be presented.

*Mr. Dundas* replied, that every requisite measure had been taken to expedite the return to the order of the House, and that he had reason to think that the papers would be very shortly produced to the House.

#### BULLION REPORT.

*Mr. Horner*, in consequence of an intimation which had been given on a former night by an honourable friend of his, that he would that night fix the time for bringing for-

ward the discussion on the Report of the Bullion Committee, proposed, with the advice and assistance of the House, to determine then the time and the mode of bringing that question under the consideration of the House. Though he had on a former occasion stated it to be his intention to move for leave to bring in a Bill to repeal the restriction, upon consulting some friends he found that they thought it would be a more advisable mode in the first instance to submit to a Committee of the whole House certain resolutions founded upon the report which had been made by the Bullion Committee last Session. He understood that it would be more conformable to the practice of Parliament, whether he should proceed by bill or by resolution, to submit the propositions previously to a Committee of the whole House. It was his intention, in rising that night, to fix the day on which he should submit his resolutions to the House in Committee; and unless the right honourable gentleman opposite should have any objection to it, also to make it an order of the day, that the House should resolve into such Committee on the day he should fix. If any objection was felt to this course, it was not his wish at that hour to go into any discussion of the question, and he should content himself with giving notice of such a motion for some future day. This was the mode in which he meant to proceed. With respect to the time, he had to express sincere regret that he had been himself the cause of a greater delay of the discussion of this question than he could have wished. It was a subject upon which it was extremely desirable that the House should come to some final decision with as little delay as possible. But, however he may have reason to regret the delay which had already taken place, he had the satisfaction to know that from the postponement of the question hitherto, no great inconvenience to the public had ensued. The evil which existed depended, as they all knew, upon temporary cause, and it might therefore perhaps have been desirable to allow some interval to elapse previous to the discussion of the subject, in order to observe how those temporary causes might or might not give way to time, and consequently to ascertain what those causes were which more especially called for the attention of the House. When he had proposed to fix his notice for the present evening, he had entertained a hope that he should be able to bring forward the question before the recess; and he had fixed on that night as the earliest on

which he could be able to attend in his place. He felt how desirable it was to have a full attendance upon such a question; and many gentlemen of much more weight than himself were of opinion that it ought not to be brought on before the recess. He acceded to their opinions, and should defer the consideration of the question till after the recess; but at the same time was desirous to bring it in as early as a full attendance could reasonably be expected. If there should be no objection to the course he proposed, he should conclude with moving, that the House should, on Monday, the 29th day of April, resolve itself into a Committee of the whole House, to consider of the report of the Committee of last session appointed to take into consideration the high price of Bullion.

On the question being put,

*Mr. Rose* observed, that there could be but one opinion in the House—that the most convenient way of discussing this important question would be in a Committee of the whole House. He was perfectly aware that when the honourable and learned gentleman took up a question, there were no means of compelling him to proceed with it; yet, as the report had been so long on the table of the House, he had no hesitation in saying, that it became the property of the House, and it was competent to any other honourable member to take it up, and found any proposition. As, however, the honourable and learned gentleman had been Chairman of the Committee, he did not think it right to take the matter out of his hands. It was now nine or ten weeks since the hon. and learned member gave notice of the motion, which he proposed to defer still farther. This was a subject upon which he felt much impatience, and the public felt much impatience; and it was the more to be regretted that any farther delay should take place, as the honourable and learned gentleman had been repeatedly urged, twice by himself (*Mr. Rose*), to bring it forward. He thought, however, the honourable member might bring forward the discussion, if not next week, at least, in the first week after the recess; at all events, it was to be lamented that as the report had been printed and circulated in August last, the honourable and learned gentleman should have suffered so long a period of the session to elapse without bringing the matter before the House.

*Mr. Horner* trusted he should, after what had fallen from the right honourable gentleman, meet the indulgence of the House in making a few observations, because nothing

could be more to be regretted by him than that the House should feel as the right honourable gentleman did. That right honourable gentleman was mistaken if he supposed that he was not prepared on this night, or any other night, to enter into the discussion. When the right honourable gentleman talked of the delay, he should have remembered that the session had not opened for farther causes till the 11th of February, and that it was not till some days after that the right honourable gentleman moved for a collection of papers, which he thought necessary for the discussion, but which to him (Mr. Horner) did not seem in any way whatever applicable to the question. These papers had not been delivered when he went to the country, and he consequently left orders in the Vote Office that they should be sent to him into the country. Some of them he did not receive till his arrival in town. His wish to have them sent to him in the country arose from a desire, though he found it difficult to conceive how they could be brought to bear upon the question, to make himself acquainted with all which the right honourable gentleman might have to make use of in his arguments, in order that he might be able to meet the discussion in a full and candid manner. The right hon. gentleman had said, first, that he repeatedly, then he said twice, pressed him to bring forward the discussion. He could not call to mind either instance. An hon. friend of his (Sir John Sinclair), indeed, had asked him, in an early part of the session, when he meant to bring forward the question, and it was probably to that occasion the right honourable gentleman alluded. As to the charge of the right honourable gentleman, he must throw himself upon, not the indulgence which upon many occasions he required, but upon the justice of the House, whether it applied to him. Did the right honourable gentleman then, in conceiving that he had any backwardness in bringing forward this discussion, suppose that he or any of those gentlemen who last session concurred in the opinions contained in the Bullion Report, had since seen reason to change their opinions? Did he imagine that any change which had since taken place was calculated to make them abscond from their opinions? In regard to what had since happened, he must observe, that the delay was of importance, inasmuch as the circumstances which had occurred illustrated the opinions previously entertained by him, to which he reluctantly, at first, assented, but in which he

entirely concurred with the Committee. With respect to the impatience of the right honourable gentleman, he could not but look upon it with suspicion. When, on the former occasion, the right honourable gentleman was anxious that the discussion should be brought on without delay; he could not but be aware of the change in the price of dollars which had since taken place. He could not help, therefore, looking upon his present impatience as probably arising from an expectation of some such other consequences.

*Mr. Rose* in explanation stated, that when he moved for the papers, he declared, though he wished to have them, he was ready to go to the discussion without them.

*Mr. Baring* thought it extremely desirable, that some decision should be come to by the collected wisdom of the House upon this important subject. He agreed, also, that it was to be wished, that the discussion should come on with as little delay as possible. He hoped, however, that his learned friend would either on this night or before the recess explain to the House, the nature of the resolutions which he meant to propose in the Committee.

*The Chancellor of the Exchequer* had been anticipated by the honourable gentleman who had just sat down, in the wish he had thrown out as to the explanation of the nature and purport of the resolutions to be proposed by the hon. gentleman, which it would be convenient for both sides of the House to be possessed of previous to the discussion. He regretted the delay which had taken place; for he had the best authority for stating, that the protraction of this discussion had a most injurious effect upon the public mind. He was of opinion, that, whatever might be the decision of the House, it was desirable that it should be speedy, because he thought the report itself, and the agitation of this question had produced a greater degree of public mischief and public calamity than any measure which he ever remembered. The decision of the House, he was of opinion, would be favourable, but at all events the question ought to be set at rest. As the honourable gentleman disclaimed any intention to go into the discussion, he should avoid following him into those topics which were touched upon by him, and which were obviously a part of the subject. He agreed that there was some advantage in the delay, as it afforded greater time to collect materials for a correct decision; but there was much mischief derived from keeping the public mind in suspense during this interval. He could not, how-

ever, concur in the observation, that any thing which had happened tended to confirm the opinions in the report. He agreed with his right honourable friend (Mr. Rose), that this important subject would be much more properly brought forward in a Committee than in the House; and that if the honourable and learned gentleman could not bring forward the question before the holidays, he could not expect a full attendance of members earlier than the day he proposed.

*Mr. Tierney* agreed that it would be desirable that his honourable and learned friend should give to the right honourable gentleman opposite, and to the House, an explanation of the substance of the resolutions he meant to propose, before he should bring on the discussion. With respect to the charge of delay, he thought his right hon. friend had been hardly used. The right honourable gentleman (Mr. Rose), in stating that he was ready to proceed to the discussion before the papers he had moved for were produced, shewed that he was so fond of discussion, that he was ready to enter into it without understanding the subject. With respect to the mischief said to have been produced by the publication of the report, what else, he would ask, could have been expected but that the Committee would report their opinions founded on the facts produced to them? When that Committee was appointed, it was the opinion of the House that they should probe the subject to the bottom. They had done so; and it was no fault of theirs if any mischief resulted from the publication of their report. The right honourable gentleman opposite (the Chancellor of the Exchequer) seemed to think that the decision to which that House might come would quiet the public mind; but he was mistaken. All the writers on his side had not been able to put down the report, as was proved by the heavy fire of pamphlets which had been kept up for the last half-year. If it was desired that the discussion should have taken place earlier; why had not Parliament been assembled earlier? It was not too much that the discussion should be deferred till after the recess. The right honourable gentleman agreed to the day, anticipating, no doubt, the glorious triumph of the 29th of April. For himself, he did not think the decision would be as favourable as the right hon. gentleman supposed. The discussion was important; and whatever way the House may decide, the whole proceeding

would be a credit to his honourable and learned friend, who had taken up the question.

The motion was then put, and agreed to.

#### BANK OF ENGLAND.

*Mr. Huskisson* said, in submitting the motion with which he meant to conclude, he should touch as little as possible upon the report of the Bullion Committee; but still the information which he required was in a great degree necessary to the elucidation of that report. The motion which he meant to submit was for a comparative scale of the Bank of England discounts from a certain period up to the present time. The expence which every bank was at was the provision of a large fund; its profits were the amount of its discounts, and its risk was the contingency of its not having enough of cash to meet the demand. The great danger to be apprehended from all banks was, lest they should carry their discounts to an excess. It was generally credited of late, that one great cause of our over-trading was the facility with which the Bank of England discounted commercial paper; and if this opinion was at all grounded, it afforded a strong reason for agreeing to his motion. The late Lord Liverpool, in his letter to the King on coin, supported his ideas on this subject, as did also the late Sir F. Baring, who, when examined before the Committee, stated, that he knew clerks, who, though not worth 100*l.* yet by the facilities afforded them, discounted paper to the amount of 5 or 10,000*l.* He might be told, that these opinions were the opinions of wild and speculative theorists. Yes, so wild that they thought paper payments bad—so speculative, that they thought the resumption of cash payments by the Bank would be a benefit. He granted that he might be told the system of over-trading carried with it its own cure; it was true the dropsical swelling might depart, but did it leave the patient infirm or vigorous? There was no doubt, that any unsuccessful speculation in trade carried with it a loss to the national capital. The information which he now formally sought could be of no detriment, as it had already found its way into the public papers, though most surreptitiously obtained. A similar information was also given in 1797. He was not in this at all interfering with the private affairs of the Bank, nor did he desire to do so; but in the present instance the information was public, and unless they had it formally, they would be going to a

most important discussion in the dark. He disclaimed the slightest hostility to the Bank. Those were its enemies who said, that in its present state, Parliament should not interfere—those were its enemies, also, who had persuaded it that power and compulsion should hold the place of confidence. He concluded by moving, “that there should be laid before the House a comparative scale of the commercial discounts of the Bank of England from the 1st of January, 1790, to the 1st of January, 1811.”

*Mr. Manning* objected to the motion, because it was the first appeal to the House to interfere with the Bank for the purpose of procuring a document. He spoke simply as a private individual, and without any authority whatever from the Directors. This motion would be most inconvenient, and it was not necessary. The House, since the Restriction Bill, received an annual account of the issues of the Bank; and he did not deny that as long as that Bill continued, Parliament should look upon the Bank, not with a jealous, but a watchful eye. He denied that the issues of the Bank were pushed for their profits; on the contrary, they were below the demand. It might surprise the honourable gentleman to hear him say that he perfectly agreed with him, that the return of the Bank to cash-payments would be a very desirable benefit; but when he confessed this, he differed most completely with him as to the time of that return. Taking into consideration the state of our country at present, together with its imports, &c. to commence that return now would be little less than to commit a political suicide. He concluded by opposing the motion as unnecessary, and as an attempt to interfere with the internal management of the Bank.

*Mr. Horner* supported the motion, though he condemned the flagrant breach of faith by which the information had been already made public. The Bank had declared, that the amount of their issues was limited by their discounts; but of late, when the discounts were diminished, the issues continued. The conduct of the Bank, then, was inconsistent with its own doctrine, and so the information was necessary.

*Mr. Marryatt* said, if Parliament interfered with the Bank for the purpose of protection, so it ought also for the purpose of investigation. He had known, himself, men who were clerks within three years, who have now notes in circulation to the amount of between 2 and 300,000*l*. If it

was necessary, he could give name and habitation. He quoted another instance, where a house, which was not solvent for years to the amount of 40,000*l.* yet supported itself by the facility with which the Bank of England discounted its paper. It was both for the honour and the interest of the Bank of England to give this scale of its discounts. It was true our paper malady might in time be cured; but unless the cure was speedy, a convulsion might arise, which would be fatal both to our public and our private credit.

*Mr. Huskisson* shortly replied. After which the House divided, when there appeared—

Against the motion	-	-	56
For it	-	-	23
			—
Majority	.	-	33

Adjourned.

## HOUSE OF LORDS.

MONDAY, APRIL 8.

### PRINCE REGENT'S MESSAGE.—AID TO THE PORTUGUESE.

*The Marquis Wellesley* rose, and stated, that he held a Message from his Royal Highness the Prince Regent to the House of Lords, which was accordingly handed up to the Woolsack, and read by the Lord Chancellor.

“GEORGE P. R.

“The Prince Regent, in the name and on behalf of his Majesty, having taken into his serious consideration the accounts which he has received of the severe distresses to which the inhabitants of a part of the kingdom of Portugal have been exposed in their persons and property, in consequence of the invasion of that country, and especially from the wanton and savage barbarity exercised by the French armies, in their recent retreat, which cannot fail to affect the hearts of all persons who have any sense of religion or humanity, desires to be enabled by the House of Commons to afford the suffering subjects of his Majesty's good and faithful Ally, such speedy and effectual relief as may be suitable to this interesting and afflicting occasion.

“G. P. R.”

After it had been read by the Clerk, Lord Wellesley moved, that it be taken into consideration to-morrow.—  
Ordered.

#### HIS MAJESTY'S HEALTH.

*Earl Grosvenor* rose, and observed, that there was a Council held on Saturday, according to the enactments of the Regency Bill, for making a report to the Privy Council of the state of his Majesty's health. He wished to know from the Secretary of State, or President of the Council, whether it was the intention of Ministers to produce such report to that House.

*The Earl of Liverpool* observed, that the Report was by the Bill directed to be sent to the Privy Council to be inscribed on its records. If the noble Earl wished it to be laid on the table of that House, his proper mode of proceeding would be to move an Address to his royal highness the Prince Regent, praying him to order the Report to be laid before them, if he thought fit.

*Earl Grosvenor* said, that he should move an Address to that effect to-morrow.

#### MILITIA ENLISTMENT BILL.

*The Earl of Liverpool* rose to move the second reading of the Militia Enlistment Bill. He briefly noticed the beneficial effects which had resulted from the measures that had been adopted with the view of increasing and maintaining our military force. He made some observations on different parts of the system, deeming ballot to be an advisable practice, but to be resorted to as sparingly as possible.

*The Earl of Rosslyn* argued at some length against the principles of the Bill, which went to impair and ruin the Militia system, and to destroy that admirable and useful plan which the late Mr. Windham proposed, and which Parliament enacted during the last Administration; a plan which, during the first six months, produced no less than 11,608 men, and somewhat less the next six months.—When that Administration was removed, that favourite plan of Mr. Windham's, which was, indeed, a great boon to the country, was transferred from the hands of its parents into those of its most deadly foes. They immediately endeavoured to obstruct it, and they had systematically continued their exertions for that end. The present scheme

was evidently defective on the face of it; as, in the supply it provided, it fell short by 2000 of the numbers wanted to keep up the army. The present state of our military affairs did not make it appear, that fewer men would be wanted than for the last few years.

*Lord Viscount Sidmouth* was a sincere friend to Mr. Windham's plan, and thought it ought to be adhered to.—Rather, however, than have it adulterated by the present mixed conditions of service, he would go back to the original mode and terms of recruiting. It was only the indispensable necessity of bringing up the numbers of the army with the least possible delay, that operated on his mind in voting for this measure. His Lordship recommended to the attention of Government the establishing of an interchange of Militias of Great Britain and Ireland.

*Lord Holland* felt deep regret at the clause in the Bill, which went to complete the system of breaking in on the mode of enlistment for limited service, and which would, perhaps, prove its death-blow. That clause should not have his vote. It was not merely a temporary, but was intended as a permanent measure. It was to him, melancholy to reflect, that after all the imagery that had been lavished upon this subject by the late Mr. Windham—after all the pains and trouble of years which he had taken—after encountering difficulties and obloquy—after his final success—after but a short experience of the effects of his Bill, but though short, eminently successful—that after all the benefits likely to accrue from its continuance, it was, he repeated, melancholy to reflect, that the measure should be overturned by side-winds in temporary Bills, and this permanent Bill effectually done away. That measure, founded in true wisdom, was, till interfered with, progressively manifesting its utility. He remembered, when the alterations were first introduced, how the author of it was treated. He was hardly permitted to know his own intentions, and was told that the option proposed was in conformity with his own principles.

*The Earl of Liverpool* spoke shortly in reply. He observed, it could not be denied that the competition between the Militia bounties and those of the regular Army must necessarily affect the market for recruits. This was an evil which could not be avoided. But the question was, whether more men were not raised in the two ways, than could be obtained if the regular recruiting was alone in op-

ration. He thought that the present measure would produce that effect; and besides, there was this peculiar advantage attending it—that it was not intended to have recourse to the Militia ballot for two years to come, which would leave the regular recruiting in full operation for that period.

*Lord Sidmouth* wished merely to notice, in explanation, that the annual waste of the army was 25,000; there were raised by recruiting, and for the foreign corps, 13,000; and it was now proposed to recruit 10,000 from the Militia, which would exactly balance the annual waste.

The House then went into the Committee on the Bill, which was gone through, and ordered to be read a third time to-morrow.—Adjourned.

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## HOUSE OF COMMONS.

MONDAY, APRIL 8.

### PRINCE REGENT'S MESSAGE.

*The Chancellor of the Exchequer* presented a Message from the Regent to the same effect as that delivered to the Lords.

### HIS MAJESTY'S HEALTH.

*Mr. Whitbread* wished to know from the right honourable gentleman (*Mr. Perceval*), whether it was his intention to lay before the House any communication on the state of his Majesty's health. By the Act which had been passed, a communication of this sort was required to have been made to the President of the Privy Council.

*The Chancellor of the Exchequer* said, that he had no objection to such a communication being laid before the House, although he had not intended to do it.

*Mr. Whitbread* then moved “an humble Address to the Prince Regent, praying that he would be graciously pleased to order a copy to be laid before the House of the Communication made by her Majesty's Council to the Privy Council, with respect to his Majesty's state of health.”

*The Chancellor of the Exchequer* said, that as he did not mean to object to the communication being laid before the House, he would not now object to the motion on account of its having been made without any previous notice. He

thought, however, that the honourable gentleman would have treated the House with more respect, if he had given notice of his motion, especially as it was for a communication, which, whether it was made to the House a day sooner, or a day later, could be of no consequence. He would not, however, place either the House or himself in the disagreeable situation of opposing the motion.

*Mr. Whitbread* said, that if he had brought forward his motion without notice, the right honourable gentleman had distinctly stated that he did not mean to oppose it. He must, however, remind the right hon. gentleman, that, at the time he made the regulation about orders and notices, he (*Mr. Whitbread*) had expressly stated, that he never would again conceive himself bound in delicacy to give any notice of a motion, but that he meant to assert the right he had, as a Member of that House, to bring forward a motion whenever he judged proper.

The motion of *Mr. Whitbread* was then put, and agreed to.

#### COMMITTEE OF SUPPLY.

Upon the question being put for the House resolving itself into a Committee of Supply,

*Mr. Whitbread* asked the right honourable gentleman (*Mr. Perceval*), whether he had made up his mind as to the sum that he intended to propose on Wednesday, for the relief of the Portuguese.

*The Chancellor of the Exchequer* answered, one hundred thousand pounds.

*Lord Folkestone* said, that he had some observations to submit to the House on a matter which appeared to him of great importance. He considered it as undoubtedly the privilege of every Member, whenever a question of Supply came before the House, to make any statement that appeared to him to be in any way connected with the subject. This was a very valuable privilege, which he thought the present was a proper time to exercise. The subject to which he thought it necessary to call the attention of the House was the scarcity of small coin, which serves as fractional parts of a pound note. Every member of that House knew the difficulty that there was in getting change in London; and he had been informed by letters, that the difficulty was still greater in the country. He had been informed, that at a fair there was no possibility of getting

change for a pound note; and that, in order to make small purchases, it was necessary for three or four people to join to purchase what would altogether make up a pound note. It was impossible that trade could go on in the country unless this calamity was remedied. Thinking this to be an evil of the greatest magnitude, he had taken that opportunity to call the attention of the House and of Ministers to the subject.

*Mr. George Vansittart* said, that the accounts which he had received from the country were exactly similar; and letters which he had received from the neighbourhood of Abingdon and Oxford, mentioned the same difficulty of getting change.

## SIERRA LEONE.

*Mr. Wharton* stated, that if the Chief Justice appointed for this colony had remained in England for two years, the delay was not by any means his fault, but arose from a considerable delay which took place after his appointment, before the charter was perfected. The charter did not receive the Great Seal till September last, and there had been no opportunity for the Chief Justice to go out to Sierra Leone until a few weeks ago. He was now at Portsmouth, ready to sail the first opportunity. After having thus explained what he conceived to be the most objectionable part of the grant, he concluded by moving, that a sum not exceeding 14,495*l.* 10*s.* 6*d.* should be granted to his Majesty for defraying the expence of the civil government of Sierra Leone.

*Mr. Dent* wished this grant to be postponed, and gave notice, that, after the recess, he should submit to the House a motion with respect to this colony. If this charter was not signed till very lately, why had the salary of Chief Justice been paid so long before?

*Mr. Wharton* said, that the appointment of *Mr. Thorp* as Chief Justice of Sierra Leone took place in the summer of 1808, at which time it was expected that the charter would be signed without delay. The delay which had taken place was not imputable to him, but arose principally from doubts in the mind of the Lord Chancellor as to the propriety of affixing the Great Seal to the charter.

*Mr. Abercromby* conceived, that blame must attach somewhere. Either this office of Chief Justice was necessary to the colony, or it was not. If it was necessary,

why was the colony so long left without a resident Chief Justice? But if the office was not necessary, why was a man appointed to that situation with so large a salary as 1500*l.* per annum?

*Lord Castlereagh* thought it necessary for him to state the reasons of his having originally appointed Mr. Thorp to that situation. The object of the establishment of the colony of Sierra Leone, was not only as a place of arms, but as an institution to produce a great moral effect on the coast of Africa, and to assist in the abolition of the Slave Trade. It was very hard to find a man of liberal character, and knowledge of his profession, that would go to the unwholesome climate of Sierra Leone for a salary of 1500*l.*— Besides the duties of Chief Justice, he was to be Judge of the Admiralty Court, and there was no other Judge of a Prize Court who had less than 2000*l.* per annum. It was a situation which required legal knowledge; and as a Judge of Prize Courts has to determine on the rights of foreign nations, it evidently requires a man of legal knowledge, and of delicate conduct. It was not easy to find a person so qualified that would accept the situation. Mr. Thorp had held a judicial situation in Upper Canada, and although he was removed from that situation for particular reasons, yet he was conceived to be well qualified for the situation of Chief Justice of Sierra Leone; and from his having formerly held a judicial situation, he had some claims upon the Government. As to the office itself, Parliament had considered it necessary, and the delay was not imputable in any way to the individual appointed.

*Sir John Cox Hippisley* made some general observations on the unhealthiness of the climate, which made him think it was not a place which should have been selected as a colony. -

*Mr. Peel* said, that the salary of 1500*l.* a year was certainly given very much on account of the unhealthy nature of the climate: but as it had happened, without any fault of Mr. Thorp, that for above two years after his appointment, the charter had not received the Great Seal, it was not possible to make any deductions from his salary, on the ground of England being a healthier country than that which he was appointed to. He might well say, that he had made his arrangements according to the income of the situation.

*Mr. Whitbread* said he must express his strong anxiety that the subject should be thoroughly sifted, and he would not hesitate to express this opinion, even though it had been supported by an Anti-Abolitionist. The honourable gentleman on the opposite side (*Mr. Peele*) had made out an amusing conversation between the public and *Mr. Thorp*, and spoken of the dignity of character necessary for a Judge of Sierra Leone. But was that House to be gravely told of the splendour of appearance necessary for such a situation? A noble Lord (*Castlereagh*) had talked of the climate meeting those who were to visit the settlement, but *Mr. Thorp* had no intention of meeting the climate. It was said that there was a difficulty in finding a person fit for the situation, and that Government was forced to bring *Mr. Thorp* from Canada: but the whole affair had the look of a job. Why was not the remuneration to wait for the service? Why was the salary to run on from the very moment of the appointment? This all savoured of an arrangement for the exclusive benefit of *Mr. Thorp*. But if judicial splendour was the sole object of the large salary which the Chief Justice of Sierra Leone was to have, why were the Judges of the other colonies thrown so much behind? When the Judges in the West Indies had seldom more than 500*l.* a year, and the Chief Justice of Canada only 1,000*l.* why was the Chief Justice of Sierra Leone to have 1,500*l.*? His (*Mr. Whitbread's*) wish was, that the grant should be postponed till larger means of inquiry were afforded to the House. (*Hear!*) He wished that such inquiry should be entered into, if it were only for the single advantage of Africa. If jobs were prevented in the Settlement, great good might follow at some future period. We owed a large reputation to Africa. If the inquiry into the present circumstances of the case preceded the grant, and proved its necessity, the House would, in his opinion, not be narrow in the bounty which they were disposed to expend on the wants of a colony, which might yet be highly important to this country.

*The Chancellor of the Exchequer* was glad to find, at least from the conclusion of the honourable gentleman's (*Mr. Whitbread's*) speech, that he was not hostile to the grant of money for the support of the colony. It was to be desired that full inquiry should be had upon the subject, and then gentlemen would probably be of opinion, that 14,000*l.* was not a very extravagant estimate for the service of the

colony. It was to be remembered, that before any vote of the House could reach the colony, about half a year would have elapsed, and it would be necessary therefore to provide by the vote for that half year. It would be better at once to vote the whole sum, as any deduction could be made afterwards, and the proper expences at the same time provided for. The dismissed officers must have their salaries until their return home. It was well that the question should be examined, and set to rest at once and finally. The question had very serious and weighty considerations belonging to it. The future civilization of Africa, the possession of an immense line of coast, the protection of a great number of persons received in the colony under peculiar distress and misfortune, were among the objects connected with the colony. There were others, too: he must allude to the case of the Maroons, who when in Nova Scotia cost the State upwards of 10,000*l.* yearly. This was the computation of Mr. King, the Under-Secretary of State. Those charges were certainly to be included in the expence of the colony. There was, on them, an actual saving to Government. It was extremely difficult to find persons qualified for the offices which Mr. Thorp was to fill. There could scarcely be found any person to go to the settlements. It was to be remembered by those who objected to the amount of the salary, that besides the usual duties of a colonial justiciary, there were those of a Prize Court: and it was better that no such Court should exist in a colony, than that it should be inadequately administered, as bad prizes might be taken to that colony for the easier condemnation.

*Mr. Dent* had heard reports extremely prejudicial to the conduct of the colony. It was publicly said, that the Maroons were treated like slaves, that the native population was decidedly hostile, and there was every expectation that, at no distant period, they would rise and make an attempt to extirpate the whole establishment. There was reason to fear, that not a white would be left alive in the colony: and yet upwards of 20,000*l.* had been expended on this unproductive speculation, and the House was now called on for fifteen or twenty thousand more.

*Sir John Newport* could not see why the Chief Justice of Sierra Leone should have 1,500*l.* a year, when Newfoundland had a Chief Justice at 700*l.* and a Judge of Admiralty at 500*l.* both only amounting to 1,200*l.* The Chief Justice

of Prince Edward's Island had only 500*l*. though he was first in Council. It was said that the salary must continue where the officer was abroad ; but Mr. Thorp was at home, and he ought to be kept there.

Mr. Stephen was glad to hear a promise at last, that the whole subject would be brought before the House. He, however, thought it improper that the honourable member (Mr. Dent) who commenced the inquiry on this night, should not have contented himself with making his motion according to his promise, without wandering into charges which were so lightly thrown out against the Government and the colony. There were many profligate and flagitious rumours ; but that which the honourable member (Dent) brought forward last was preposterous and burlesque. What, was it to be supposed, that the Militia of the colony, the men who carried arms for the defence of the settlement, were actually treated as slaves ? This idea was extravagantly absurd. As to the appointments, he believed it was not possible to fix on an instance of any appointment, except Mr. Thorp's, which had taken place since the beginning of the settlement, without the particular recommendation of the independent, the pure-minded noble patrons of the original undertaking. He was anxious to say thus much to an honourable member, (Mr. Whithread), who had greatly distinguished himself in the cause of humanity, and whose speech on the Slave Trade had made an indelible impression on his heart. He had heard that speech before he sat in that House, and when he was only a listener in the gallery. Perhaps that honourable member would not peculiarly like compliments from *him*, but he must acknowledge the influence which that speech had on him. As to the other honourable member (Mr. Dent), the question could not come with any peculiar gratification to him. Africa might in his (Mr. Dent's) opinion have had some value, when it was the country of the Slave Trade ; but now, when Africa could no longer supply that delectable article of human flesh, it was not good for any purpose whatever. It ought to be known, that there was a Prize Court in Sierra Leone, to adjudicate the claims on neutrals and others. The hurry of the appointment which had been complained of, arose from this :—on the abolition of the Slave Trade in 1807, it was made a law, that ships carrying slaves should be captured, and the slaves set at liberty. It was dangerous to bring those vessels to a West-Indian port, and let the

liberated slaves' loose among bondsmen; it was therefore thought expedient to provide a port on the African coast, where they might be landed at once, and without danger. But for the erection of a court competent to decide the prize questions in Africa, a Commission must issue from the Admiralty at home. That Commission must be directed to some individual; it could not be general, and some person must have been selected for the situation before this step could have been taken. But a delay arose in framing the judicial charter, and Mr. Thorp's departure was retarded by that delay. But it was to be remembered, that a constitution was actually to be formed for the colony, and though the formation of constitutions had been of late years a very easy performance, he (Mr. Stephen) had found the constitution of this colony enough to occupy him seriously for some months. The plan was then to have undergone a revision by the Lord Chancellor, and it was not possible that more expedition could have been rightly used. When the estimates of the colony were fully before the House, it would be seen that they were moderate and reasonable. The colony, in even the most vulgar view of commercial advantage, was important; even overlooking all the great topics connected with the subject, the object of having a settlement in the heart of Africa, as the *nucleus* of civilization. Was it to be said, that when we could make no more use of Africa as the theatre of a barbarous trade, we were to treat that immense and unhappy country with scorn and contempt? Mr. Stephen, after some eloquent remarks on the conduct which ought to be pursued to wipe off the stain of the Slave Trade, concluded by expressing his wish for full inquiry.

*Mr. Whitbread* was glad to find that the honourable gentleman (Mr. Stephen) had retained nothing of the little irritations that so often arose in debate; he was glad to accept his compliments, and begged leave to say that he had no idea of throwing out any reflection on the original patrons of the settlement.

*Mr. Fuller* could see no better reason than that given by a member in the course of the debate, for refusing the grant. The House had been told, that out of fifteen hundred men sent to the colony, but twelve were alive in the course of three years. He was glad that an honourable member (*his friend there*) brought on the question. As to the Slave Trade, he would only say, that whoever carried a measure that made

his (Mr. Fuller's) estate in the West Indies a third worse than it was, ought to have first paid him for it.

*Mr. Wilberforce* must remind the House, that the mortality spoken of occurred before the establishment of the Sierra Leone colony. Some persons, with the best intentions, had collected the blacks who were wandering about the streets and lanes of London, and sent them to Africa. There was a want of proper precaution in some of the arrangements, and a great mortality followed: but it was absurd to speak of it to the extent that had been alleged. Many of the blacks had probably left the settlement, and gone to other parts of the country. It was to be remembered, that colonies were hard to be founded; our American colonies had laboured under extreme difficulties: but if there had been no other use in the colony of Sierra Leone, it at least gave the country a more accurate idea of what the Slave Trade was. It shewed us the debasement and the misery brought on by that trade; it shewed us hundreds of miles desolated by the wars of the Slave Trade. The colony had suffered the greatest inconveniencies from the hostility of the slave dealers, and the Slave Trade was the bitterest enemy of the establishment at Sierra Leone. A late honourable friend of his (we presume Mr. Pitt) had these ideas strongly in his mind. He was fully bent on assisting Africa, and had intended to apply to Parliament for a considerable sum of money for the express purpose. There were now 830 persons educating in the colony; this alone made it of great importance. Honourable members, and particularly the member for Sussex (Mr. Fuller) might remember, that when it was the custom to give a yearly grant of 12,000*l.* for the support of our African trade, there was no murmuring; but now, when it was to remunerate that most ill-used country, their voices were all raised against the grant.

*Sir John Cox Hoppisley* stated, that in the spring of the year 1788, he had been at Sierra Leone, where he had touched in an East-India ship, and found the insalubrity of the climate such, that of 1700 persons who had been sent there in the preceding year, only one remained, all the rest having died there, with the exception of about twelve, who took refuge in an island in the river: and one fourth of the crew of the vessel perished there during a stay of two months.

*Mr. Wilberforce*, in explanation, stated, that the original

colonists had not been sent out by the Company, and that they consisted of Lascars as well as of American blacks.

Mr. H. Thornton wished the honourable gentleman (Mr. Dent) to put off the motion which he had intimated his intention to make, till after the holidays; because arrivals might in the mean time be expected, which would furnish the House with fresh information upon the subject. He agreed that there might have been some excess of expenditure, and that it was necessary to pay every possible attention to economy; but he was disposed to give his support to this vote, because he would not consent to create any ground of doubt as to the continuance of this colony. With respect to the nature of the climate, he would confess that it had not proved as salubrious as they had been at first inclined to suppose, but it was not so unhealthy as represented by the honourable Baronet. It was a fact that the Maroons and Nova Scotia blacks increased their numbers there. With respect to the appointment of the chief justice, that was a government question. When the abolition took place, it was unquestionably desirable, that there should be on the coast somewhere, a tribunal for the condemnation of vessels violating the abolition law. He had himself doubts, whether professional men could be induced to go out to that station; but if any such person should go out, he thought 1500*l.* a year not too large an income. On that ground he should vote for the motion, though, if the person to fill the duties of the office were not to be a legal person, he should not be inclined to agree to it.

After a few words from Sir John Newport, Mr. M. Montague, Mr. Peele, and Mr. Martin, the vote was agreed to; as also a vote of a sum of 11,670*l.* to make good sums issued by order of the House. The House then resumed, and the report was ordered to be received to-morrow.

#### COMMITTEE OF WAYS AND MEANS.

The House, on the motion of the *Chancellor of the Exchequer*, resolved itself into a Committee of Ways and Means, to which the estimate of the surplus of the Consolidated Fund, and of the proceeds of old naval stores, were referred.

The *Chancellor of the Exchequer* then rose, for purpose of submitting two votes to the Committee, which he trusted would not only meet with their concurrence, but give satisfaction to every gentleman present. The first vote he had to submit was, that a sum not exceeding 42,364*l.* be voted

as the amount of the proceeds of the sale of old naval stores, applicable to the ways and means of the present year. This sum was to be voted in this form in pursuance of an Act of last Session, which directed that the proceeds of such stores should be made the subject of separate estimate, and the sum taken last year had been consequently inserted in the distribution act. The next vote that he should have to submit to the Committee was the sum of 996,927*l.* 13*s.* 4*d.* as the surplus of the Consolidated Fund remaining in the Exchequer on the 5th of April, 1811. But in stating to the Committee this amount of the surplus of the Consolidated Fund over its estimated produce, he felt it necessary to recall to the recollection of gentlemen, the principles and grounds upon which he conceived himself justified, last Session, in taking the surplus of that fund so high as he then had done. On that occasion he had taken the amount of that surplus at a higher sum than ever was known; and certainly the produce of the fund had greatly exceeded in the preceding year, upon which his estimate had been founded, any thing that had been produced in any former year. The surplus actually produced in that year amounted to seven millions and odd hundreds. But that was the produce of an excessive year, and had arisen from circumstances which were not to be expected to recur. These circumstances might have contributed, as they no doubt had, to swell the amount of the surplus in that year; but as they could not reasonably be calculated upon in any succeeding year, they could not be taken into consideration in framing an estimate for the present year. One of these circumstances was the receipt of 600,000*l.* arrears of the taxes of former years. Another was, that that year was a year of excessive import, which arose principally from the circumstances of the imports of the preceding year having been considerably smaller. In forming his estimate for last year, however, which was excessive, he thought it safer to take the average of the two preceding years, and upon this average he felt himself justified in taking the surplus for last year at a sum not exceeding 4,400,000*l.* But he had to remark, that this surplus was exclusive of 970,000*l.* taken as the produce of the new regulation of the stamp-duties, which had been permanently appropriated from the Consolidated Fund to defray the interest and charges of the loan of last year. After deducting that sum so appropriated from the actual surplus in the preceding year, he had not thought he would be justified in taking his estimates of the

probable amount of the surplus for the last year higher than 4,400,000*l.* There remained, no doubt, a balance of two hundred and ninety, or three hundred thousand pounds above that estimate, which he hoped to have realized, but which he could not calculate upon with confidence. He had now, however, the satisfaction to inform the Committee, that the produce of the Consolidated Fund had exceeded his estimate to the amount of 1,300,000*l.* and upwards. There had been already voted, a sum of 337,736*l.* as the surplus of the fund over the estimate on the 5th of January, 1811, which, with the sum he had proposed to vote in this instance, would make the actual surplus above his estimate, as he stated, above 1,350,000*l.* He thought it would be a satisfaction to the Committee, that he should state in a few words, this agreeable difference between the estimate and the actual produce of the fund. He felt the more pleasure in making this statement, because Gentlemen were disposed, under the circumstances in which the commerce of the country was placed, to take more gloomy views of the financial means and resources of the country than were justified by the fact; he trusted, too, that this short statement would remove any unfavourable impression upon the public mind which may have been made by such representations, and raise the hopes and just confidence of the public. He was persuaded, that whatever effect might have been produced by the temporary shock sustained by public credit—a shock which must necessarily have had some influence upon the revenue of the country—this gratifying fact would prove, that such were the solidity and stability of the sources of our revenue, that it was not a little that could retard its progress. To form an adequate idea of the actual state of the case, the Committee must refer to the proposition made by him in last Session—a proposition which had been received with doubt and watched with jealousy by the House when he brought it forward: he meant the proposition for acting upon the principle of providing for the loan without resorting to new taxes. In consequence of this proposition, the sum of 970,000*l.* had been taken from the surplus of the Consolidated Fund, to meet the charges of the loan of the year. They had since gone through the year: all the expences chargeable upon the fund had been defrayed, and, over and above the 4,400,000*l.* estimated surplus, a sum of 1,350,000*l.* had been produced by the Consolidated Fund, applicable to the service of the present year. This

was not a singular case. The produce of the Fund was in a state of progressive improvement, as would appear from a reference to its amount in the last three years. In the year ending the 5th of April, 1809, the whole produce of the Consolidated Fund was £ 95,443,770; in the year ending the 5th of April, 1810, £ 41,441,774; in the year ending 5th of April, 1811, £ 41,341,700! being, in the last year, an amount of produce only 106,000*l.* short of the produce of the preceding year, the most productive of any ever before known. This must be a source of satisfaction to the House, as well as the best proof that could be desired to shew, that we had not yet arrived at that period, when any circumstances in the state of our resources should call for despondency. (*Hear*) He should conclude with moving, as the amount of the surplus of the Consolidated Fund remaining in the Exchequer on April 5th, 1811, the sum of 996,957*l.* 1*l.* 4*d.*

On the question being put,

*Mr. Bankes*, though he thought it highly satisfactory to find that the Consolidated Fund had been productive beyond all ordinary times, yet looked upon it as peculiarly gratifying that it had proved so prosperous under the disastrous circumstances in which the country had been placed last year. It was a strong proof of the stability of our resources, that the finances of the country had prospered under such circumstances, in place of suffering any defalcation. For himself, he had always considered the resources of the country as large and abundant; but unless they should be managed with economy, they would not be equal to the expenditure. He was sure the statement of his right honourable friend would prove satisfactory to the country; but he wished to know whether his right honourable friend would have any objection to state the produce of the corresponding quarters in this and the last year. He wished also to know, whether the amount of fines paid in on account of the Militia was included in the aggregate of the Consolidated Fund. These fines, as he understood, amounted to two or three millions; much more than he had at first supposed. A part of these fines were paid into the Bank, and another part to the Exchequer. His first question his right honourable friend would not have any difficulty to answer; but the other, if he was not prepared to answer it, he should wave for the present.

*The Chancellor of the Exchequer* replied, that he could have no objection to state to the Committee the particulars

of the corresponding quarters. He had to observe, however, that the receipts in the preceding year had exceeded any thing ever before known. The produce of last year did not, therefore, exceed that of the preceding year, but had fallen a little back of it. The produce of the quarter ending the 5th of July, 1809, was £ 10,613,000; that of the quarter ending the 5th of July 1810, £ 11,022,000; of the quarter ending the 5th of October, 1809, £ 9,841,000; that of the quarter ending the 5th of October, 1810, £ 10,645,000; that of the quarter ending the 5th of January, 1809, £ 11,813,042; that of the quarter ending the 5th of January, 1810, £ 10,891,420; that of the quarter ending the 5th of April, 1809, £ 967,200; that of the quarter ending the 5th of April 1810, £ 872,700. With respect to the Militia fines, he was not prepared to give a satisfactory answer. He was persuaded that they could not amount to so large a sum as his honourable friend had stated. He had no doubt, however, that any sums paid in on that account to the Exchequer, went to the Consolidated Fund. Such sums, on the contrary, as were paid into the Bank, were, in his opinion, appropriated to the services of the Militia itself.

Mr. Henry Thornton allowed that the statement of the right honourable gentleman was satisfactory. But the question, in his mind, was, whether with the increase of our revenue, there was not a correspondent increase of expenditure. He was not disposed to take a desponding view of the financial resources of the country; nor did he mean by any observation he should make, to take away from that natural exultation which the statement of his right honourable friend was calculated to make: but he could not avoid reminding the Committee, that they ought not to be induced by such a proof of a prosperous revenue, to relax in their vigilance respecting the public expenditure. He had observed in voting grants for various public objects on a former day, that in almost every one of the items there was some increase on the ground of the rise of the times. It was for the House to determine how far this circumstance was calculated to take from the impression made by the favourable statement of the right honourable gentleman. Besides, many of the duties were *ad valorem* rates, and might therefore have the effect of augmenting the produce of the Consolidated Fund in consequence of the recent additions made to the duties and the late increase of imports. But at all

events he was of opinion, that economy alone could give stability to our resources.

*The Chancellor of the Exchequer* replied that in the statement he had made, he had explained to the Committee the amount of the surplus of the Consolidated Fund, independent of the charges defrayed out of it last year. He had particularly called the attention of the Committee to the excess of the actual produce over the estimated surplus, and that in a year, too, when no new taxes had been imposed to add to its productiveness. This shewed clearly that the revenue was in a state of growing prosperity: unless it could be said of him, that in his estimate last year, he had taken a desponding view of the case. Last year, however he had been charged with having taken too sanguine a calculation of the probable produce of the fund; and particularly with respect to the Stamp duties. He could, however, by reference to the actual receipts, shew that he had not been mistaken. In the year ending the 5th of April, 1810, the Stamp Duties produced the sum of 5,188,426*l.*; this year they produced 5,302,000*l.* being upwards of 100,000*l.* more than they had produced in a year when his estimate had been looked upon as excessive. The observation of his honourable friend respecting *ad valorem* duties applied to this branch of the taxes more than to any other, because there were more *ad valorem* rates in the stamp duties than in any other branch of the public revenue. In the Excise, the most important part of the public revenue, which produced 16,880,000*l.* besides the Excise war-taxes, there were no *ad valorem* rates whatever. In the customs, too, another great branch of the public revenue, there were no *ad valorem* duties, except in the war-taxes on Customs, and there only on some exports, none of which made any part of the Consolidated Fund. The observations of his honourable friend, therefore, did not apply to either of these two great sources of the public revenue. But there was also another branch of the public revenue, the increase of which must indicate a real growth in the prosperity of the country, he meant the revenue of the Post-office. That revenue last year exceeded the receipts of the preceding year by 90 or 100,000*l.* This year it exceeded last year by 100,000*l.* Such a progressive increase in a revenue, in the whole amounting to a million only, as the revenue of the Post-office, was surely a proof of the increase of business, or luxury, and consequently

of the growing produce and prosperity of the country. The observation of his honourable friend, therefore, not applying to the great sources of revenue, was of no value in this view of the question, though every thing that fell from him was entitled to the greatest attention. In the Assessed taxes, too, there were no *ad valorem* duties: in the Property tax there were; but that formed no part of the Consolidated Fund. He trusted this explanation would be satisfactory to the Committee.

The motion was then agreed to, after a short observation from Sir John Newport, and a brief reply from the Chancellor of the Exchequer, as was also the vote respecting the produce of old Naval Stores.

The House then resumed, and the Report was ordered to be received to-morrow.

#### STEALING IN A DWELLING-HOUSE.

*Sir Samuel Romilly* moved the third reading of this Bill.

*Mr. Secretary Ryder* begged leave shortly to state his reasons for opposing the measure. It had been said that judges and juries had doubts and apprehensions of enforcing the law; were not the same apprehensions as likely to have influence with offenders? He believed the existing state of the law filled the minds of the vicious with a salutary terror, and had an equally beneficial operation on experienced delinquents and novices in iniquity. They had a tendency to secure the great object of criminal legislation—that of preventing rather than punishing offences. He agreed to the general principle, that the discretion of Judges ought rather to be limited than enlarged, and that until some alteration might be of advantage, which should have the effect of lessening the proportion which the number of sentences bore to the number of executions. The present Bill, however, looked only at an object of speculation, not of practical humanity.

*Mr. Wilberforce*, in a neat speech, contended that the law, in its present state, held out the chances of impunity, and so far was unquestionably productive of mischief. It was seen every day, that, in the most hazardous species of gambling, the Lottery, persons were fond of adventuring. He remembered being told by Judge Buller, that out of 38 convictions, upon an average, not more than one execution took place.

*Sir John Newport* warmly supported the Bill.

*Mr. Lockhart* was of opinion, that the uncertainty with respect to a just measure of punishment, would be increased by any mitigation of the severity of our penal code. We were travelling, by pursuing this course, into an unknown sea, and leaving the chart and compass by which our ancestors had guided themselves. If however adopted at all, he should prefer it as an experiment, for two years, although he was afraid that in this case there would be a great and necessary arrear of punishment to be settled.

*Mr. Whitbread* said he had hitherto refrained from uttering his sentiments on this question, because he had been willing to hear all that could be urged by the formidable array of lawyers who were on this occasion opposed to his honourable friend. He was ready to do justice to the ingenuity of the honourable gentleman (*Mr. Frankland*), who had distinguished himself in resisting the present Bill, but who had puzzled at least as much as he had dazzled, in his estimation. He was wrong however in his allusion to the effect of the quotation made by an honourable friend of his (*Mr. Windham*), now no more to be found among the living; but he well recollected that his honourable friend (*Sir S. Romilly*) had then clearly shewed that the opinions of *Dr. Paley* had been misunderstood. Did the right honourable and learned gentleman not know that that criminal law which he defended had been condemned by our greatest lawyers? His honourable friend (*Sir S. Romilly*) had founded himself on those opinions. He had founded himself too on the reflections of his own enlightened mind, maintained by the experience of his professional exertions. (*Hear! hear! hear!*) The honourable gentleman (*Mr. Lockhart*) had endeavoured somewhat humorously to point out the advantage to the morals of the people, by being accustomed to sport with the solemnity of an oath. Because, said he, a jury acts from a principle of humanity in committing a judicial perjury, the perjury is sanctified by the motive. Could there be a more pernicious notion than this instilled into the minds of men, a more deadly poison communicated to the source of a people's morals? (*Hear! hear!*) As to what had been urged of the astuteness of the Judges enabling them to discriminate and apportion with precision the exercise of their discretion, he could only say, that he believed that they were sometimes pressed to reconcile their duty to their feelings. After advancing many

other arguments, and referring to several disgraceful statutes in illustration of his opinion, that many of our criminal laws were passed in times of darkness, and from the impulse of transient feelings, the honourable gentleman concluded with a handsome eulogium on the conduct of Sir Samuel Romilly. He was assured that the voice of the public was with him in his present object, and that the country did view, not without admiration, his unceasing and laborious efforts for the prosecution of a great public good, amid the multiplicity of his private business, and the toils of his professional avocations. (*Hear! hear!*) This was a striking feature in the character of his honourable friend, but it was not the only one that merited commemoration. To him who, overlooking party feuds, directed the force of his mind to the attainment of an object of which posterity was to reap the greatest share of advantage, might the people with peculiar propriety say, '*Præsentī tibi largimur honores.*' (*Hear! hear!*)

Sir Vicary Gibbs entered at considerable length into the question, and contended that those who violated the laws of the country were generally very sensible of the distinction between the certainty that a capital punishment would not be inflicted, and the probability of its infliction arising out of the present system of criminal law and jurisdiction.

Mr. Marryatt thought that the punishment of death ought hardly ever to be inflicted, except for murder. To extend this punishment to other offences, had a tendency to confound crimes. He was in Amsterdam in 1802, and found that only two capital punishments had been inflicted in the course of half a century, a great proof of the superior efficacy of the mild system. He also adverted to the case of the unfortunate criminal at Gloucester, who suffered, owing to a mistake, a punishment not intended to be inflicted, which could never have happened under the mild system. The opinions of the great moralist, Dr. Johnson, and other eminent men, were in favour of the principle of these bills, which he would heartily support.

Mr. Charles Wynne observed, that the Attorney-General having stated the most aggravated case of the offence to which this Bill referred, hesitated whether he would have pronounced a sentence of death upon it. He allowed, however, there might be cases so aggravated, even in this sort of crime, as to deserve death; but what would they say of the breaches of trust, of a guardian embezzling the pro-

perty of his ward; of perjury, constituting judicial murder? But the truth was, that they must take offences in the general, and not in the abstract. Upon the principle supported by the other side, they ought at once to render all crimes liable to the punishment of death at once, and it might then be said that the clemency of the Judges would rectify all. He himself would have been miserable if he had prosecuted a man to death for an offence which he could not consider as deserving that punishment. The punishment of death had not the effect in the way of prevention that many imagined. It hardly ever had been inflicted more frequently than in cases of highway robbery—but it had not diminished the crime. Measures of prevention had been adopted, and since the establishment of the horse patrol, hardly an instance of a great highway robbery had occurred near the metropolis. The same good would result in other cases from measures of prevention. As to the assertion that the lawyers were against the measure, if that were really the fact, he would have felt much more doubt on the subject. But in truth, of the lawyers that voted on these Bills, almost two to one supported them.

The House then divided.

For the third reading	52
Against it	39
Majority	11

The Bill then passed, together with the Navigable River Robbery Bill, the Bleaching-ground Robbery Bills, and the Shop Privately Stealing Bill.

Adjourned.

## HOUSE OF LORDS.

TUESDAY, APRIL 9.

*Sir Samuel Romilly*, and others, brought up the Bills respecting the privately stealing in dwelling-houses; the Bill respecting the same offence in shops; that concerning the same in bleaching-grounds; that concerning the same in bleaching-grounds in Ireland; and that respecting similar offences in barges, &c. which were read the first time. A number of private Bills were also brought up.

ADDRESS TO THE PRINCE REGENT.—STATE OF HIS  
MAJESTY'S HEALTH.

*Earl Grosvenor* rose, and moved an humble address to his Royal Highness the Prince Regent, praying him to order to be communicated to the House, the report of the Council concerning the state of his Majesty's health. Agreed to.

MILITIA ENLISTMENT BILL.

*The Marquis of Lansdowne* argued at length against the Bill, as breaking up the system of limited service, and keeping up the practice of ballot, &c.

*The Earl of Liverpool* defended the Bill, and made various statements of the effects of the different systems.

*The Marquis of Lansdowne* produced various statements, tending to quite opposite results, and moved an amendment for suspending the ballot.

*The Earl of Hardwicke* made some observations in favour of it, as did also *Earl Grosvenor*. The amendment was negatived. Another amendment was moved by the *Earl of Hardwicke*, on another clause, to suspend the parochial penalties, which was supported by the *Marquis of Lansdowne*, and occasioned much conversation between the *Earl of Liverpool*, the *Earl of Hardwicke*, the *Earl of Rosslyn*, and on which the House divided.

Not Contents	.	.	.	.	26
Contents	.	.	.	.	12
Majority against it					13

ADDRESS TO THE PRINCE REGENT.—AID TO  
PORTUGAL.

When strangers were re-admitted, we found

*The Marquis Wellesley* commencing his motion for an humble Address to his Royal Highness the Prince Regent, in answer to his most gracious communication made yesterday to their Lordships, concerning the propriety of affording aid to the people of Portugal. His Lordship was calling to the consideration of the House the effects that had been produced in Portugal by the spirit of the people, and the troops that had been raised and taken into British pay. A sentiment had been thereby created of admiration

of the magnanimity, the perseverance, the zealous and ardent constancy, which the exertions of our ancient and faithful ally had, with British assistance, so strikingly manifested. He called to mind the great and costly sacrifices they had made: first, in the preparations to make an effectual resistance to their invaders; and secondly, in bearing up with fortitude against what had since taken place—in the endurance of their spirit under the wanton cruelty and savage barbarity which had been exercised upon them in the retreat of the French army. He did not think it necessary to urge this subject by entering into details of what had been inflicted and endured. What he was about to propose was justifiable, not only on motives of generosity to a people in alliance with us, but was due on the sound policy upon which he conceived every one must see that the proposition stood. But he should take the liberty of making a few observations on its general principles. There could scarcely exist a doubt, that in such a contest as that in which this nation was now engaged, a fair and full view of its circumstances would justify us in raising a resistance in any part of the continent of Europe against the enemy, when there existed any prospect of such resistance being efficacious and successful. But there had been much doubt, and experience had confirmed the opinion, that whatever general principles of policy might justify, we ought to know the sentiment of the nation which we were about to assist and encourage: we ought to know that she felt as sincerely and deeply as ourselves the nature of her situation; and that she felt that spirit and energy to resist her oppressor which could alone lead to a steadfast, regular, determined opposition, which could only be expected to be successful by the full view on the part of the struggling nation of the dangers and difficulties against which it had to contend. Under these circumstances, he begged their Lordships to look at the great exertions of the Portuguese. Consider that for the purpose of such a defensive war, the first and main-spring of resistance must be found in the spirit of the people themselves. Great exertions were made in the first instance: but there was one great matter still required; there was wanted not only the spirit to prepare, but the spirit to *endure*. (*Hear!*) See what were the efforts which had been made by the nation. It was not only the exertions of the Ordenanza, nor the numerous and great individual efforts; but it was the persevering and vast

sacrifices which had been sustained by the public spirit, which, by the exertions and directions of that great Commander—for so he should call him, though so nearly related to him by blood—had been rendered so essential to the general defence. Every man must agree, that by the whole system, all the attempts of the enemy had been frustrated: the whole of this great combination of measures for defence had tended to exalt our military character in the highest degree, in every sober, steadfast, regular consideration of such a subject. It had manifested the wisdom of the Commander, and defeated the enemy in all his efforts. As we had felt ourselves fully justified in sustaining the military efforts of the Portuguese Government, so now that we had gained that main-spring of defence, the will and spirit of the Portuguese people, were we equally justified in rendering our assistance to them. When we saw that distress which they had borne with firmness and perseverance, should we not agree to give our aid for relieving them from the pressure? Indeed we should be laying the foundation for the erection of new military undertakings, by supporting and animating a spirit, not originally created by us, but hitherto fostered by us so successfully, and which after its sufferings and privations came back to us for farther sustenance and encouragement. On this great military diversion, founded in public spirit and fortitude, depended the hope of any favourable alteration in Europe, and, in no small degree, our own particular safety. The consequences of the example of Portugal might prove as beneficial to other nations of Europe as they had hitherto been for her own defence. This measure, therefore, he would repeat, stood upon the grounds of the solid, substantial policy, of encouraging what had proved so advantageous, and not simply an old attachment, friendship, and alliance. It stood on the ground of the only hope of achieving any thing in the shape of security for any part of Europe. It combined principles, in which ancient alliance, and particular and general safety, were equally concerned. He was satisfied that their Lordships would not repudiate those grounds of action—that they would not repudiate such old and admired principles of national conduct, which were in such perfect consonance to every dictate of morals and of religion. The principles of our measures in Portugal were not to be characterised as sentimental, chivalrous, and romantic: they were connected with every sentiment that

was dear to British hearts. (*Hear!*) Hitherto we had given our aid liberally, and there were the best reasons for our continuing to do so. It was fresh in their recollections that they had acted on a broad, fair, and liberal scale. Mr. hoped he had not lived to see the day, though he had sometimes been surprised by hearing something like it, when he should hear it said, that ancient faith, long-tried attachments, and close connections, with an ally, were circumstances to be discarded from our consideration; and that they should be sacrificed and abandoned to the mere suggestion and calculations of a cold policy. (*Hear!*) Connected and combined as every great view of such a subject was in this measure, he should not further encroach upon their Lordships' attention, except to mention, that the sum he proposed for the relief of the suffering subjects of our Ally in Portugal, was 100,000*l*. The noble Marquis then read the Address to the Prince Regent, which was, in the usual manner, conformable to his Royal Highness's message; and moved that the Address be agreed to. The Address being read by the Lord Chancellor,

Earl Grosvenor said, that he felt considerable difficulty in acceding to this motion, particularly when he considered how much had been done already for Portugal. Late in two millions of money had been granted to that country; and the reason then assigned for proposing it was, that the French were in possession of great part of Portugal, and therefore the revenues could not be received from the distant provinces of the country. Now the same reason did not hold, for the French were in possession of only a small part of Portugal; and he would ask, were their Lordships really prepared to take the whole burden upon themselves, and exempt the Portuguese altogether from the burden of relieving their own people? It was a principle as applicable to public as to private affairs, that you should be just to your own people, before you were generous to other nations. He knew it would be generally thought, that this was a magnificent and high-sounding proposal, and that to some minds it might recommend itself on that very account, particularly as displaying a marked contrast with the barbarity and atrocities of which the French had been guilty towards the Portuguese. (*Hear! hear!*) These were, indeed, shabby principles; but he doubted whether they were sound in the

present circumstances of the country. He was not for deserting an ancient ally; but sometimes too great liberality had the effect of discouraging the efforts of those who were the objects of it. He begged, however, to remind the House, under whom these exertions of the Portuguese had been made; they were made under the direction of British officers; and hence he concluded, that if any thing was to be expected from the Spaniards in the common cause, it must be from their being led on by the British officers.

*Lord Harrowby* observed, that his recollection did not furnish him with the reason assigned by the noble Lord for the former grant, namely, that a large proportion of Portugal was in the hands of the enemy. That was a grant founded on reasons of its own, and furnished no argument whatever against the present. It should be recollected, that the war in Portugal was not an ordinary war, nor conducted by the French on the principles usual in former times, when, though a hostile army traversed a country, yet still something was left for the subsistence of the inhabitants: But Europe had never witnessed such barbarities as were perpetrated by the French; and the country through which they passed was plundered and exhausted to such a degree, that British humanity alone could afford it the common and necessary means of existence; and if the aid was not speedily granted, it might come too late to effect its object. (*Hear! hear!*) Highly as he thought of the talents of the British officers who were at the head of the allied army, he did not believe that even their talents would have produced their effect without the exertions of the Portuguese population. The peasantry and the militia had uniformly displayed the greatest ardour, and their army had fought side by side with the British soldiers. Look also at the accounts which have been received of their inferior officers, and it would be found that they had always their full share in the danger and the glory of every action. The liberties of Portugal had been saved, at least for a time, at the expence of much blood and treasure; and if farther distresses were inflicted on that people by the atrocities of their enemies, which it might not be in the power of this country to prevent, the present measure would at least display the generous policy on which it acted.

*The Marquis of Lansdowne* was ready to agree with his noble friend (*Lord Grosvenor*), that if Portugal possessed

the means of relieving the distresses of a considerable part of its population, its own efforts ought to be looked to: but when he considered the lamentable scene of devastation and distress which, according to every account, had marked the continuance as well as the retreat of the French army, it did produce in his mind the belief, that relief was called for from this country; and that the relief must be instant, else it would be in vain. The distresses of the Portuguese came home to his mind with claims irresistible, even in the particular circumstances in which this country was placed. Most sincerely did he agree in the general principle, as to the importance of this country taking a share in continental operations, when an opportunity occurred, that promised to set limits to the overwhelming power of the enemy. He would not at present consider whether the state of the Peninsula afforded that opportunity; but would admit, that the policy of our operations there had been recognized by the House, had been settled into a course of conduct; and this country had decidedly embarked in the same cause with the Portuguese as well as the Spaniards. In such circumstances, it should be the policy of this country to make its efforts beneficial to these people in every possible way. Once embarked with them, it would be a miserable economy which should lead the House to withhold assistance from their suffering allies. (*Hear!*) If ever the moment should return when this country might co-operate with other continental powers, (and he never relinquished the hope of such a period), the effect of such co-operation on the part of this country would be proportioned to the degree in which a conviction was produced in the minds of the people of the Continent, that our interference was not for private ends, but for the general good; and that this country was prepared to make every sacrifice for those who were embarked in a common cause. (*Hear!*) It was by acting on these principles that he looked forward to the general deliverance of Europe, which he still cherished the hope of seeing accomplished, at some future period, by the combined exertions of this country with the energies of other nations that were determined to regain their independence. Even should the British Army be forced to retrace its steps, and at last to evacuate Portugal, still it would be well to leave this benediction behind them, as a legacy to be treasured up and

remembered by the people of Portugal to the latest posterity (*Hear! hear!*), and which might at some distant period excite them to exert their efforts in the same cause. For these reasons, the grant had his hearty assent.

*Lord Darnley* said a few words; after which the motion was agreed to, *sem. diss.*





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